

CERT

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW
NOTICE-PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-91-0723-01	REGULATORY ACTION NUMBER 91-1202-020	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER 91-0716-06E
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For use by Office of Administrative Law (OAL) only

APPROVED
 1991 DEC -2 PM 1:22
 ENDORSED
 APPROVED FOR FILING
 JAN 2 1992
 Office of Administrative Law

FILED

Office of the Secretary of State
 of the State of California

JAN 2 1992

At 4:54 o'clock P.M.

MARCH FONG EU, Secretary of State

By Anne M. Manassero

Deputy Secretary of State

AGENCY	NOTICE	REGULATIONS	AGENCY FILE NUMBER (if any)
State Department of Social Services			0691-26

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT	44-010; 42-213.5; 44-111.6
	AMEND	44-113.14; 44-133.33, .6, .61, .62, and .63.; 42-213.2 + 44-111.3
	REPEAL	44-111.3q.
TITLE(S) MPP		

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

November 7, 1991 to November 22, 1991

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☐ Effective on filing with Secretary of State
 ☒ Effective other (Specify) January 1, 1992

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON James W. Rhoads, Asst. Bureau Chief, Regulations Development Bureau	TELEPHONE NUMBER (916) 657-2586
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7. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE John D. Healy	DATE 11/27/91
TYPED NAME AND TITLE OF SIGNATORY John D. Healy, Interim Director	

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READoption

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

40-010 IMPLEMENTATION OF REGULATIONS FOR THE TREATMENT OF
INELIGIBLE ALIEN PARENT INCOME

40-010

- .1 Sections 42-213.2e., r., and .5, et seq.; 44-111.3 b., et seq., d., e., g., h., i., p. and .6, et seq. as amended herein, shall become effective August 1, 1991.
- .2 Sections 44-113.14, .141, and .142; 44-133.33, .336, .6, .61, .611, .612, .62, .631, et seq. and .633 as amended herein, shall become effective August 1, 1991, and shall be implemented as follows:
 - .21 Beginning August 1, 1991, the CWDs shall implement the amended or adopted provisions for all new AFDC cases.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(ii)(C); 45 CFR 233.20(a)(3)(vi)(B) and (xiv); 45 CFR 233.20(a)(4)(ii); and Darces v. Woods, 35 Cal. 3d 871.

- .1 Real Property to Be Excluded (Continued)
- .2 Personal Property to Be Excluded (Continued)
 - e. [Reserved] (Continued)
 - r. [Reserved] (Continued)
- .3 (Continued)
- .4 (Continued)
- .5 Other property which is mandatorily and specifically exempt by federal law and shall be exempt from the effective date as specified in federal law.
 - .51 Property which is mandatorily exempt under federal law includes, but is not limited to:
 - .511 Public Law (PL) 92-254 or PL 94-540 which exempts any funds distributed per capita or held in trust for members of any Native American tribe under PL 92-254 or PL 94-540.
 - .512 PL 93-134, PL 97-458 and PL 98-64 which exempt as property the funds of Native American tribes including interest earned from, investment income derived from and initial purchases made with such funds when the funds are:
 - (a) Distributed per capita or held in trust as a result of a judgement awarded by the Indian Claims Commission or U.S. Court of Claims;
 - (b) Distributed by the Secretary of the Interior on a per capita basis or held in trust.
 - .513 PL 100-241 which exempts distributions to a household, individual Native or descendent of a Native when received from a Native Corporation established pursuant to the Alaskan Native Claims Settlement Act (ANCSA). Exempt distributions include:
 - (a) Cash (including cash dividends on stock received from a Native Corporation) to the extent it does not exceed \$2,000 total per person per anum, stock, a partnership interest, land or interest in land, and interest in a settlement trust.
 - .514 PL 100-383 which exempts payments received as restitution made to U.S. citizens and permanent resident aliens of Japanese ancestry.

- .515 PL 100-707 which exempts federal major disaster and emergency assistance provided under the Disaster Relief Act and comparable disaster assistance provided by the state, local governments and disaster assistance organizations.
- .516 PL 101-201 and PL 101-239 which exempt payments received from all Agent Orange settlements.
- .517 PL 101-426 which exempts payments received under the Radiation Exposure Compensation Act.
- .518 PL 101-508 which exempts Earned Income Credit (EIC) payments for the month it is received and the following month.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554 and 11155.5, Welfare and Institutions Code; and 45 CFR 233.20(a)(4)(ii).

Repeal Section 44-111.3(q) to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

44-111

.3 Exemption of Payments from Public Sources

- a. (Continued)
- b. [Reserved]
- c. (Continued)
- d. [Reserved]
- e. [Reserved]
- f. (Continued)
- g. [Reserved]
- h. [Reserved]
- i. [Reserved]
- j. (Continued)
- k. (Continued)
- l. (Continued)
- m. (Continued)
- n. (Continued)
- o. (Continued)
- p. [Reserved] (Continued)

q/ Earned Income Credit (EIC) payments/ whether received as advance payments or as a single payment at the end of the tax year/ shall be exempt from consideration as income/

HANDBOOK BEGINS HERE

(1) The EIC is for individuals who have a child and who meet the income and other requirements of Section 32 and 2507 of the Internal Revenue Code of 1986/ Based on Internal Revenue Service (IRS) eligibility conditions/ an individual can receive advance payments from an employer/ or a single year-end payment from the IRS/

HANDBOOK ENDS HERE

.4 (Continued)

.5 (Continued)

.6 Other income which is mandatorily and specifically exempt by federal law and shall be exempt from the effective date as specified in federal law.

.61 Income which is mandatorily exempt under federal law includes but is not limited to:

- a. Public Law (PL) 92-254 or PL 94-540 which exempts any funds distributed per capita or held in trust for members of any Native American tribe under PL 92-254 or PL 94-540.
- b. PL 93-134, PL 97-458 and PL 98-64 which exempt as property the funds of Native American tribes including interest earned from, investment income derived from and initial purchases made from such funds when the funds are:
 - (1) Distributed per capita or held in trust as a result of a judgement awarded in Indian Claims Commission or U.S. Court of Claims;
 - (2) Distributed by the Secretary of the Interior on a per capita basis or held in trust.
- c. PL 89-73 which exempts compensation received by recipients 60 years old, or older, for volunteer services performed under the Retired Senior Volunteer Program, the Foster Grandparents Program, or the Older Americans Community Service Program of the National Older Americans Act.
- d. PL 92-433 and PL 93-150 which exempt the value of supplemental food received under the Child Nutrition Act (WIC) and the National School Lunch Act.
- e. PL 93-113 which exempts payments made under the Domestic Volunteer Services Act of 1973 to welfare recipients who are Vista Volunteers, and payments made for supportive services or reimbursement of out-of-pocket expenses made to persons serving in the Service Corps of Retired Executives (SCORE) and the Active Corps of Executives (ACE) pursuant to Section 418.
- f. PL 100-241 which exempts distributions to a household, individual Native or descendent of a Native when received from a Native Corporation established pursuant to the Alaskan Native Claims Settlement Act (ANCSA). Exempt distributions include:

- (1) Cash (including cash dividends on stock received from a Native Corporation) to the extent it does not exceed \$2,000 total per person per annum, stock, a partnership interest, land or interest in land, and interest in a settlement trust.
- g. PL 100-383 which exempts payments received as restitution made to U.S. citizens and permanent resident aliens of Japanese ancestry.
 - h. PL 100-707 which exempts federal major disaster and emergency assistance provided under the Disaster Relief Act and comparable disaster assistance provided by the state, local governments and disaster assistance organizations.
 - i. PL 101-201 and PL 101-239 which exempt payments received from all Agent Orange settlements.
 - j. PL 101-426 which exempts payments received under the Radiation Exposure Compensation Act.
 - k. PL 101-508 which exempts Earned Income Credit (EIC) payments.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554 and 11008.15, Welfare and Institutions Code; 42 USC Section 602(g)(1)(E)(i); Section 202(a), Public Law 100-485; 45 CFR 224.0(c); 45 CFR 233.20(a)(4)(ii); and 45 CFR 233.20(a)(11)(v)(C).

Amend Section 44-113.14 to read:

44-113 NET INCOME (Continued)

44-113

.14 Deduction for an Ineligible Alien Child(ren) Living in the Home of an Aided Parent

.141 When an ineligible alien child(ren) is living with an eligible sibling or half-sibling, a deduction shall be allowed from ~~the~~ his/her aided parent's income. The deduction to meet the unmet needs of an ineligible alien child(ren) shall be equal to the difference between a Minimum Basic Standard of Adequate Care (MBSAC) for the assistance unit with the ineligible alien child(ren) included, and the MBSAC for the assistance unit only. The maximum deduction shall be reduced by the net nonexempt income, if any, of the ineligible alien child(ren) up to the differential amount attributed to that child(ren) with income.

.142 Where there is an unaided parent of an ineligible alien child(ren) in the home who is not an Ineligible Alien Parent as defined in Section 44-133.6, and that parent is: a parent in common with the aided parent, not a parent of an aided child, and not married to the aided parent, the county shall determine the extent to which that parent's income meets the needs of his/her ineligible alien child(ren) through the application of the stepparent/Ineligible Alien Parent provisions in Section 44-133.6.

(a) In applying the stepparent/Ineligible Alien Parent provisions pursuant to Section 44-113.142, only the extent to which the unaided parent's income meets the needs of the ineligible alien child(ren) shall be considered; no income from this unaided parent shall be deemed to the AU.

.1423 The deduction for the ineligible alien child(ren) is allowed from the aided parent's income only when:

(a) The ineligible alien child(ren) is not included in a ~~an~~ Stepparent/Ineligible Alien Parent Unit, or

(b) The ~~Ineligible Alien Parent~~ parent has no income; or

(c) The ~~stepparent/Ineligible Alien Parent~~ parent has insufficient income to meet the needs of ineligible alien child(ren) ~~not provided for in the Ineligible Alien Parent Unit~~ he/she has in common with the aided parent.

(1) The deduction allowed from the aided parent's income shall be the lesser amount between that established in this section and the amount determined in Section 44-133.634 concerning unmet needs of ineligible alien children.

(d) The ineligible child(ren)'s net non exempt income is not sufficient to meet his/her needs.

HANDBOOK BEGINS HERE

- .144 Determining the amount of the deduction from the aided parent's income for his/her ineligible alien children.

Computation Factors

- AFDC-AU consists of mother and two aided children.
- Ineligible Alien Parent Unit consists of Ineligible Alien Parent father and two ineligible alien children in common with the aided mother.
- Ineligible Alien Parent Unit has an unmet need of \$240 based upon the computation in Section 44-133.634.
- Aided mother has \$500 net non exempt.

Computation

- \$940 MBSAC for the number of aided persons (mother and two aided children) plus the number of ineligible alien children in common with the Ineligible Alien Parent (two children) for a total of five persons.
- \$694 MBSAC for the number of aided persons only (mother and two aided children) for a total of three persons.
- = \$246 Subtotal
- \$ 0 All combined income of the aided parent's child(ren) in the Ineligible Alien Parent Unit.
- = \$246 Potential deduction from the aided parent's income.

The deduction from the aided parent's income is the lesser amount between the unmet need of the Ineligible Alien Parent Unit (\$240) and the potential deduction from the aided parent's income (\$246). Thus, the deduction allowed from the aided parent's income would be \$240.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(ii)(C) and (vi)(A); and Darces v. Woods, 35 Cal. 3d 871.

Renumber Section 44-133.611(c)(1) to Section 44-133.634(a) and amend Sections 44-133.33 and .6 to read:

44-133 TREATMENT OF INCOME ---AFDC (Continued)

44-133

.3 Income in Cases in Which a Parent or Child has been Excluded from the Assistance Unit (Continued)

- .33 If a parent or child living in the home is required to ~~apply for aid~~ be in the AU under Section 40-118 82-820.2, but is excluded from the ~~assistance unit AU~~ for reasons other than the provisions of Section 44-133.31, being a recipient of another aid program, being an Ineligible Alien parent or an ineligible alien child, or a member of a different ~~assistance unit AU~~ when appropriate, a portion of his/her income is income to the ~~assistance unit AU~~ AU. This portion is determined as follows: (Continued)

1336 If a parent is an ineligible alien/ his/her income is treated in accordance with Section 44-133.61

.4 (Continued)

.5 (Continued)

.6 Income In Cases Where A Stepparent Or Ineligible Alien Parent Resides In The Home

Regulations concerning income to the assistance unit from a stepparent (see Section 44-133.63) apply only when the stepparent resides in the same household with the aided children or unaided unborn (see Section 44-205.26) and their parent, but neither the stepparent nor any of his/her natural or adoptive children, are in the assistance unit.

Note: When the stepparent is included in the assistance unit (see Sections 44-203 and 44-205), the total amount of his/her net nonexempt income shall be income to the assistance unit for purposes of grant and eligibility computation.

When the stepparent is not included in the assistance unit but one or more of his/her children is in the assistance unit, the stepparent is an excluded parent. See EAS Section 44-133.3 for treatment of his/her income.

An Ineligible Alien Parent ~~means~~ is a natural or adoptive parent of an aided child and is a parent who is not eligible for assistance because he/she does not meet the requirements of citizenship or Eligible Alien Status.

.61 ~~Definition~~ Composition of Stepparent/Ineligible Alien Parent Unit

- .611 The Stepparent/Ineligible Alien Parent Unit may include, in addition to the stepparent or ~~Ineligible Alien parent~~, any of the following individuals ~~related to the stepparent or ineligible alien parent~~:

- (a) His or her spouse;
- (b) His or her separate children; or
- (c) The child(ren) he or she has in common with his or her spouse.

(1) When there is insufficient income to meet the entire needs of an ineligible alien child(ren), that child(ren) shall be allocated income, if any, from the aided parent in accordance with the deduction allowed for an ineligible alien child(ren) living in the same home as provided in Section 44-113/14.

- (d) Any other persons residing in the home who may be claimed by the stepparent/Ineligible Alien Parent as dependents for federal income tax purposes.

.612 No individuals who are may be included in the Stepparent/Ineligible Alien Parent Unit who shall not:

- (a) be is required to be included in an assistance unit AU, or
- (b) has been excluded from the assistance unit AU pursuant to the provisions of Section 44-133.31. This provision applies only to the child(ren) whose needs are not entirely met. The other child(ren), if any, whose needs are entirely met shall remain in the Ineligible Alien Parent Unit and be deemed income accordingly.

.62 Needs of Stepparent/Ineligible Alien Parent Unit

When the stepparent/~~Ineligible~~ ~~Alien~~ ~~Parent~~ is excluded from the ~~assistance~~ ~~unit~~ ~~AU~~, the county shall determine his/her ability to support the Stepparent or Ineligible Alien Parent Unit on the basis of the AFDC Minimum Basic Standard of Adequate Care (MBSAC) (Section 44-207.112) plus any special needs, if applicable. See Section 44-211. Allow disregards from the stepparent's or ~~Ineligible~~ ~~Alien~~ ~~Parent~~'s gross income in accordance with Sections 44-133.631(a) through (c).

.63 Computation of Income to the Assistance Unit (AU)

.631 The stepparent's or ~~Ineligible~~ ~~Alien~~ ~~Parent~~'s income deemed available to the ~~assistance~~ ~~unit~~ ~~AU~~ is determined as follows:

- (a) Determine the stepparent's or ~~Ineligible~~ ~~Alien~~ ~~Parent~~'s net nonexempt income according to the provisions in Chapter 44-100.
 - (1) When determining net earned income, the stepparent or ~~Ineligible~~ ~~Alien~~ ~~Parent~~ shall be entitled to the work expense disregard.
- (Continued)

- (b) Deduct any amounts actually paid by the stepparent/~~I~~Ineligible ~~A~~Alien ~~P~~Parent to persons not living in the same home but who are, or could be, claimed by him/her as dependents for purposes of determining his/her federal personal income tax liability.
- (c) Deduct any child support and alimony payments made by the stepparent/~~I~~Ineligible ~~A~~Alien ~~P~~Parent to persons not living in the home.
- (d) Deduct the MBSAC amount for members of the stepparent/~~I~~Ineligible Alien Parent Unit plus any special needs, if applicable. See Section 44-211.

HANDBOOK BEGINS HERE

.632 (Continued)

.633 Example: Ineligible Alien Parent Income to the AU

Computation Factors

- Ineligible Alien Parent Unit consists of two persons (ineligible alien parent and one ineligible sibling of an aided child).
- AFDC-AU consists of two persons (the eligible mother and the mother's ~~only~~ aided child).
- The ~~I~~Ineligible ~~A~~Alien ~~P~~Parent earns \$900 within the month from ~~full~~ part-time employment.
- The ~~I~~Ineligible ~~A~~Alien ~~P~~Parent pays \$100 per month child support to his/her son who resides with the ~~I~~Ineligible ~~A~~Alien ~~P~~Parent's ex-spouse.
- No other payments are made by the ~~I~~Ineligible ~~A~~Alien ~~P~~Parent to persons living outside the home.

Computation

\$900	gross income of I Ineligible A Alien P Parent
<u>-90</u>	less standard work expense disregard
\$810	
<u>-100</u>	less child support paid
\$710	net income
\$710	net income
<u>-560</u>	less MBSAC for Ineligible Alien Parent Unit
\$150	I Ineligible A Alien P Parent income to the AU

HANDBOOK ENDS HERE

.634 Determination and Treatment of Unmet Needs of Ineligible Alien Children

(1a) When there is insufficient income based on the stepparent/Ineligible Alien Parent computation in Section 44-133.63 to meet the entire needs of an Ineligible Alien child(ren), that child(ren) shall be allocated income, if any, from the aided parent in accordance with the deduction allowed for an ineligible alien child(ren) living in the same home as provided in Section 44-113.14, Parent Unit and the Ineligible Alien Parent Unit contains ineligible alien children of the aided parent, the county shall:

(1) Determine the amount of unmet need resulting from insufficient Ineligible Alien Parent income by subtracting the amount of that income from the MBSAC for the Ineligible Alien Parent Unit. This unmet need shall be treated in accordance with the comparison required in Section 44-113.143(c)(1).

HANDBOOK BEGINS HERE

(b) Example: Determining Unmet Needs for Ineligible Alien Children

Computation Factors

- Ineligible Alien Parent Unit consists of the Ineligible Alien Parent and two ineligible alien children in common with an aided parent.
- Ineligible Alien Parent net nonexempt income is \$454.

Computation

\$694 MBSAC for the Ineligible Alien Parent Unit of 3 persons.

- 454 Net nonexempt income of the Ineligible Alien Parent.

= \$240 Amount of Unmet Need.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code and 45 CFR 233.20(a)(3)(vi)(B) and (xiv).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
Office of the Secretary of State
of the State of California

JAN 2 1992

At 4:54 o'clock P.M.
MARCH FONG EU, Secretary of State
By Ann M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Department of Social Services

OAL File No: 91-1202-02C

David Potter

for: MARZ GARCIA
DIRECTOR

01-02-92

DATE

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-91-0723-01	REGULATORY ACTION NUMBER 91-1224-028	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

ISSN DEC 26 11 10 21
 ENDORSED
 APPROVED FOR FILING
 ADMINISTRATIVE LAW
 JAN 16 1992

Office of Administrative Law

FILED
 State of the Secretary of State
 of the State of California

JAN 16 1992

At 4:40 o'clock P.M.
 MARCH FONG EU, Secretary of State
 By Ann M. Manassero
 Deputy Secretary of State

AGENCY	REGULATIONS	AGENCY FILE NUMBER (if any)
Department Of Social Services		RDB# 0691-27

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 91-131-7	PUBLICATION DATE 8-2-91	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT	Sections 40-107, 41-440, 41-441, 42-213, 42-207, 44-113, 44-133, 44-207, 44-303, 44-309, 44-310 and 44-352.
	AMEND	
	REPEAL	Sections 44-307.1, .2, .3, .4, .5, .6, .7 and .8.

2. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			

<input type="checkbox"/> Print Only	<input type="checkbox"/> Other (specify)
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3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input checked="" type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify)
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5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
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☐ Other (Specify)

6. CONTACT PERSON	TELEPHONE NUMBER
Jim Rhoads, Assistant Chief, Regulations Development Bureau	(916) 657-2586

7. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DATE
John D. Healy, Interim Director	12/23/91

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

UPDATED INFORMATIVE DIGEST

These proposed regulations would implement a number of different regulation changes that are needed to reflect current policy, and to correct inconsistencies with existing federal laws, and state and federal regulations.

The federal mandates implemented are contained in:

- Action Transmittal 91-15; applying the sanction for noncooperation with work registration requirements to the principle earner only.
- Department of Health and Human Services (DHHS) letter, dated 12/5/90, eliminating the anticipated lump sum provisions.

The provisions of several court orders are implemented:

- WRL vs. McMahon; deleting a separate beginning date of aid for recipients returning to the state after a continued absence.
- Rutan vs. McMahon; requiring that an applicant be informed of the lump sum rules before a period of ineligibility can be applied.
- Johnson vs. Carlson; repealing the anticipated lump sum regulations.

The regulations also make amendments and deletions to existing language to eliminate references to obsolete programs such as WIN, WIN-Demo, and Money Management. Additionally, changes were made to clarify the policy that a job quit will be treated the same as a refusal of employment, that pregnancy is still a work registration exemption under the State-Unemployed Parent program, and that a pro-rated Maximum Aid Payment is used to calculate a grant adjustment in a beginning month.

Subsequent to public hearing, proposed Sections 42-213.2 r. and bb. and 44-111.3 r. were deleted from these regulations because the proposed changes have been incorporated into the filing of "Federally Mandated Exemptions-Aliens" (RDB #0691-26) OAL File No. 91-0716-05E. Also, the Department deleted the option proposed in Section 41-440.411.

AUTHORITY AND REFERENCE CITATIONS

These regulations are proposed for adoption pursuant to the authority granted by Section 10553 and 10554 of the Welfare and Institutions Code. The cited references are:

Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988; Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), April 23, 1991; Omnibus Budget Reconciliation Act (OBRA) of 1990, Section 5061; Public Law (PL) 101-508; 45 C.F.R. 233.20(a)(3)(ii)(c); 45 C.F.R. 233.20(a)(13)(i)(A)(2); Letter From Department of Health and Human Services (DHHS), December 5, 1990; California Department of Health Services Manual Letter 77-1; Rutan vs. McMahon, Case No. 612542-L (Alameda Superior Court), February 19, 1988; Johnson vs. Carlson Stipulated Judgment; Senate Bill (SB) 991, Chapter 1285, Statutes of 1989; and Senate Bill (SB) 724, Chapter 97, Statutes of 1991.

FINAL STATEMENT OF REASONS

a) Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulations Are Intended to Address

This package implements a number of different regulation changes that are needed to reflect current policy, and to correct inconsistencies with existing federal laws, and state and federal regulations.

The federal mandates implemented are contained in:

- Action Transmittal 91-15; applying the sanction for noncooperation with work registration requirements to the principle earner only.
- DHHS letter, dated 12/5/90; eliminating the anticipated lump sum provisions.

The provisions of several court orders are implemented:

- WRL vs. McMahon; deleting a separate beginning date of aid for recipients returning to the state after a continued absence.
- Rutan vs. McMahon; requiring that an applicant be informed of the lump sum rules before a period of ineligibility can be applied.
- Johnson vs. Carlson; repealing the anticipated lump sum regulations.

The regulations also make amendments and deletions to existing language to eliminate references to obsolete programs such as WIN, WIN-Demo, and Money Management. Additionally, changes were made to clarify the policy that a job quit will be treated the same as a refusal of employment, that pregnancy is still a work registration exemption under the State-Unemployed Parent program, and that a pro-rated Maximum Aid Payment is used to calculate a grant adjustment in a beginning month.

b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 40-107.2

Specific Purpose:

The purpose of amending the last paragraph of this section is to eliminate a reference to the Money Management section.

Factual Basis:

This editorial change is necessary to eliminate a reference to a section being repealed elsewhere in this package. This change is for clarity and consistency and has no regulatory effect.

Section 41-440.233

Specific Purpose:

This section is being amended to specify that only the principal earner shall be ineligible for, or discontinued from, AFDC-U when he/she does not meet or maintain work registration requirements.

Factual Basis:

This amendment is necessary to comply with Federal Action Transmittal FSA-AT-91-15, dated April 23, 1991, which notifies states of a technical correction regarding the penalty for failure to participate in the JOBS program. Section 5061 of the Omnibus Reconciliation Act (OBRA) of 1990 corrects an inconsistency between Section 402 and 407 of the Social Security Act. In the former, aid is denied for the individual who fails to participate in JOBS; whereas, in the latter, aid is denied for the entire family if a principal earner who is exempt from JOBS due to remoteness fails to register with Employment Development Department Job Search. The correction makes sanctions consistent under both sections by removing the needs of individuals rather than termination of benefits for the entire family.

Section 41-440.261

Specific Purpose:

The purpose of amending this section is to clarify that quitting a job will be treated in the same manner as refusing an offer of employment.

Factual Basis:

This section is being amended to clarify existing policy regarding the treatment of a job quit in the 30 days prior to application. This policy is currently stated in a subsequent paragraph of this section that speaks to the sanction to be applied. Restating the policy in the introductory paragraph is necessary to clarify the applicable definitions in establishing deprivation due to unemployment.

Section 41-440.262 (Renumbered from 41-440.265)

Specific Purpose:

The purpose in amending this section is to renumber it from 41-440.265, correct a reference to a subsequent section, eliminate a reference to the State-only AFDC-Unemployed Parent program, and change the structure to refine a definition.

Factual Basis:

This is an editorial change only and has no regulatory effect. The reference to the State-only AFDC Unemployed Parent program is being eliminated in compliance with the provisions of SB 724, Chapter 97, Statutes of 1991.

Section 41-440.263 (a) and (b) (Renumbered from 41-440.263)

Specific Purpose:

The purpose in amending this section is to eliminate the references to the WIN program, and to renumber the section.

Factual Basis:

The amendment to this section is necessary to eliminate references to the WIN and WIN Demo programs which were made obsolete with the advent of GAIN/JOBS under the Family Support Act of 1988. The renumbering of this and subsequent sections is to accommodate moving Section 41-440.265 to 41-440.262, and is a change for restructuring purposes without regulatory effect.

Sections 41-440.264 and 41-440.265

Specific Purpose:

These sections are being renumbered.

Factual Basis:

These editorial changes are necessary to accommodate the inclusion of Section 41-440.262 which was moved and renumbered, and is a change for restructuring purposes without regulatory effect.

Section 41-440.411

Final Modification:

Initially the Department had proposed implementing a federal option at this section, however, subsequent to the public hearing for the regulations, the Department has decided to delete the proposed option from these regulations.

Section 41-440.412

Specific Purpose:

This section is being repealed and the regulation is being incorporated in Section 41-440.411.

Factual Basis:

This section is being repealed and the requirement added to Section 41-440.411 as an editorial change for clarity and consistency and has no regulatory effect.

Sections 41-440.412 and 41-440.413 (Renumbered from 41-440.413 and 41-440.414, respectively)

Specific Purpose:

These sections are being renumbered.

Factual Basis:

These sections are being renumbered to accommodate the repeal of 41-440.412 elsewhere in this package. This change is for restructuring purposes and has no regulatory effect.

Section 41-441

Specific Purpose:

The title of this section is being amended to eliminate the reference to the State-only AFDC-U program and remove the distinction drawn between Federal and Nonfederal programs.

Factual Basis:

The distinction between Federal and Nonfederal AFDC-U programs is being eliminated because the State-only AFDC-U program was repealed by SB 724, Chapter 97, Statutes of 1991. This section now applies to Federal programs only.

Section 41-441.11

Specific Purpose:

This handbook section is being amended to remove the first sentence which references federal principal earners not required to register for WIN Demo or GAIN and to correct a cross-reference in the second sentence. Additionally, the reference to the State-only AFDC-Unemployed Parent program is being eliminated.

Factual Basis:

This amendment is necessary because there are no federal principal earners not required to register for GAIN other than those exempt due to remoteness. (See MPP Section 40-169.2). The reference to the State-only AFDC Unemployed Parent program is being eliminated in compliance with the provisions of SB 724, Chapter 97, Statutes of 1991.

Section 42-636 has been relocated to Section 42-794, therefore this cross reference has been corrected.

Section 42-213.2 i (7)

Specific Purpose:

The purpose of this section is to exempt personal computers from consideration as property when determining eligibility and benefit levels.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11155 because personal computers are now a relatively common item used to equip and maintain a household.

Section 42-213.2 r

Specific Purpose:

The purpose of amending this section is to exclude Earned Income Credit (EIC) payments from consideration as a resource in the month following receipt, as well as the month of receipt as currently allowed.

Factual Basis:

This section is being amended to comply with the Family Support Administration's Action Transmittal 91-3, dated January 29, 1991.

Final Modification:

This proposed regulation was deleted from this package because the proposed change has been incorporated in the filing of Federally Mandated Exemptions-Aliens (RDB# 0691-26). OAL File No. 91-0716-05E.

Section 42-213.2 bb

Specific Purpose:

The purpose of this section is to provide an exemption for payments received under the Radiation Exposure Compensation Act from consideration as a resource in the determination of eligibility and benefit levels.

Factual Basis:

This section is necessary to comply with the Family Support Administration's Action Transmittal 91-5, dated February 25, 1991.

Final Modification:

This proposed regulation was deleted from this package because the proposed change has been incorporated in the filing of "Federally Mandated Exemptions-Aliens" (RDB# 0691-26) OAL File No. 91-0716-05E.

Section 42-407.25

Specific Purpose:

The purpose in repealing this section is to eliminate a beginning date of aid regulation pertaining to the treatment of individuals who return to the home after an absence from the state.

Factual Basis:

This section is being repealed in order to comply with Senate Bill 991, Chapter 1285, Statute of 1989. This change should have been made at the time the consent decree in the WRL vs. McMahon court case was implemented, but was overlooked inadvertently.

Section 44-111.3 r

Specific Purpose:

The purpose of this section is to exempt payments received under the Radiation Exposure Compensation Act from consideration as income in determining eligibility and benefit levels.

Factual Basis:

This section is necessary to comply with the Family Support Administration's Action Transmittal 91-5, dated February 25, 1991.

Final Modification:

This proposed regulation was deleted from this package because the proposed change has been incorporated into the filing of "Federally Mandated Exemptions-Aliens" (RDB# 0691-26) OAL File No. 91-0716-05E.

Section 44-113.9

Specific Purpose:

The purpose in amending this section is to eliminate the requirement that a recipient request a court review of child support payments in order to continue to deduct those payments in the computation of net nonexempt income.

Factual Basis:

This section is necessary to comply with 45 CFR 233.20 (a)(3)(ii)(C) which requires that the needs of dependents living outside the home be taken into consideration when determining net nonexempt income.

Sections 44-133.71 through .75

Specific Purpose:

The purpose in amending these sections is to remove the term "legal guardian".

Factual Basis:

This section is being amended to comply with the Family Support Administration's Action Transmittal 91-15, dated April 23, 1991 which specifies that income from legal guardians shall not be deemed available to a minor parent. Only the income of the minor parent's own parents is relevant in determining eligibility and grant levels.

Section 44-207.411

Specific Purpose:

The purpose of amending this section is to clarify that the lump sum rules apply only to applicants and recipients.

Factual Basis:

This section is being amended to comply with the Federal Department of Health and Human Services letter, dated December 5, 1990, which specifies that the lump sum period of ineligibility applies to an applicant or recipient only.

Section 44-207.42 and 44-207.421

Specific Purpose:

The purpose in amending these sections is to eliminate the application of the lump sum computation to anticipated lump sum income.

Factual Basis:

This section is being amended to comply with the Federal Department of Health and Human Services letter, dated December 5, 1990, which specifies that the lump sum rules are not to be applied to anticipated income. The lump sum period of ineligibility can only be applied to an applicant or recipient. If the lump sum is expected to be received in the payment month, and the amount is expected to exceed eligibility standards, then the case may be discontinued. However, the lump sum computation and period of ineligibility would not apply unless the income was received during a month the client received aid.

Section 44-207.431

Specific Purpose:

The purpose in amending this section is to clarify that the rules regarding the lump sum period of ineligibility are to apply to applicants and recipients only.

Factual Basis:

This section is being amended to comply with the Federal Department of Health and Human Services letter, dated December 5, 1990, which specifies that the lump sum rules are to be applied to applicants and recipients only.

Section 44-207.431(e)

Specific Purpose:

The purpose of this section is to clarify that a period of ineligibility would be applied to a lump sum income received during the month of application.

Factual Basis:

This section is necessary to comply with the letter received from Federal Department of Health and Human Services, dated December 5, 1990.

Section 44-207.432(a) and (b)

Specific Purpose:

The purpose in repealing these sections is to eliminate the requirement that the lump sum rules be applied to anticipated lump sum income.

Factual Basis:

These sections are being repealed to comply with the Federal Department of Health and Human Services letter, dated December 5, 1990, and the decision reached in the Johnson vs. Carlson court case.

HANDBOOK Section 44-207.432

This handbook section is necessary to indicate that there are restrictions to applying the lump sum period of ineligibility that were mandated by the Rutan vs. McMahon court order.

Section 44-303.2

Specific Purpose:

The purpose in amending this section is to eliminate a reference to the Money Management section which is being repealed elsewhere in this package.

Factual Basis:

This section is necessary for clarity and consistency and has no regulatory effect.

Section 44-303.32

Specific Purpose:

The purpose in amending this section is to eliminate a reference to the Money Management section which is being repealed elsewhere in this package, and to add a reference to the Homeless Assistance program which also utilizes vendor payments.

Factual Basis:

This section is being amended for clarity and consistency, and to complete the references to all sections which currently utilize the vendor payment process.

Section 44-303.33

Specific Purpose:

The purpose in amending this section is to eliminate a reference to the WIN and WIN-Demo programs.

Factual Basis:

This section is being amended to eliminate references to the WIN and WIN-Demo programs which were made obsolete under the Family Support Act of 1988.

Section 44-307

Specific Purpose:

The purpose in repealing this section is to eliminate the Money Management regulations which are obsolete.

Factual Basis:

This section is being repealed because the Social Services program that utilized money management to assist its clientele has been eliminated. The services regulations referenced in this section (30-222) were repealed by Department of Health Services Manual Letter 77-1.

Section 44-309

Specific Purpose:

The purpose in amending the title of this section is to eliminate the reference to child support sanctions.

Factual Basis:

The title of this section is being amended to broaden its application because this section no longer applies to child support sanctions exclusively. The GAIN program currently utilizes protective payments and the GAIN regulations are currently referenced in subsequent subsections.

Section 44-309.1

Specific Purpose:

The purpose in amending this section is to clarify that subsequent subsections apply to situations other than child support sanctions.

Factual Basis:

The editorial changes to this section are for clarity and consistency and have no regulatory effect.

Section 44-309.11

Specific Purpose:

The purpose in amending this section is to eliminate the reference to the Money Management section which is being repealed elsewhere in this package.

Factual Basis:

The editorial changes to this section are for clarity and consistency and have no regulatory effect.

Section 44-310

Specific Purpose:

The purpose in amending the title to this section is to delete regulation references which are repeated in the body of the first paragraph of the section.

Factual Basis:

The editorial changes to this section are for clarity and consistency and have no regulatory effect.

Section 44-352.411(b)(2)

Specific Purpose:

The purpose of this section is to clarify existing policy regarding the computation of an overpayment adjustment in a beginning month when the Maximum Aid Payment has been prorated.

Factual Basis:

This section is necessary to comply with 45 CFR 233.20 (a)(13)(i)(A)(2) which states that the Assistance Unit shall retain not less than 90% of the amount payable to a family of the same composition when computing a grant adjustment to collect an outstanding overpayment.

c) Identification of Documents Upon Which Department Is Relying

1. Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988;
2. Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), April 23, 1991;
3. Omnibus Budget Reconciliation Act (OBRA) of 1990, Section 5061;
4. Public Law (PL) 101-508;
5. 45 C.F.R. 233.20(a)(3)(ii)(c);
6. 45 C.F.R. 233.20(a)(13)(i)(A)(2);
7. Letter from Department of Health and Human Services (DHHS), December 5, 1990;
8. California Department of Health Services Manual Letter 77-1;
9. Rutan vs. McMahon, Case No. 612542-L (Alameda Superior Court), February 19, 1988;
10. Johnson vs. Carlson Stipulated Judgment;
11. WRL vs. McMahon, Case No. 268972 (Sacramento Superior Court), October 31, 1990.
12. Senate Bill (SB) 1991, Chapter 1285, Statutes of 1989; and
13. Senate Bill (SB) 724, Chapter 97, Statutes of 1991.

d) Testimony and Response

These AFDC "Quick Fix" regulations were considered at the Department's public hearing held on September 18, 1991. No oral or written comments were presented at the public hearing. During the 45-day public comment period, the Department received written comments from Sacramento County Department of Social Services. No other comments were received. A summary of Sacramento County's testimony and the Department's responses are presented below.

Section 41-440.411

Comment:

Sacramento County posed the following five questions:

"The proposed regulations allow for an option to substitute four of the required six calendar quarters in the federal labor force connection with certain types of schooling or JTPA training.

Please consider clarification of the following questions when preparing the final regulations:

1. Will correspondence schools meet this criteria?
2. Will former prisoners be eligible for quarters if they participated in school or a vocational or technical training course while in prison?
3. Many companies are now contracting with federal prisons to have work done by prisoners. If the prison does not pay a wage to the prisoner, but reduces their time to be served, can the time worked be counted toward the determination of work quarters?
4. Are educational or training programs under JTPA specifically limited to JTPA only, or does this open the possibility for other types of educational/training programs not under JTPA?
5. Does expansion of this section open the possibility for General Assistance Work Project participation to be included as work in the determination of quarters? If GA clients are required to work for their grant can it be considered a wage if they met the work project criteria?"

Response:

Subsequent to the public hearing, at the Department's discretion the proposed federal option in question is being deleted.

e) Local Mandate Statement

These regulations do impose a mandate on local county welfare agencies, but not on school districts. There are no state mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code. Any costs associated with the implementation of these regulations are either:

1. Mandated by the federal government within the meaning of Section 17513 of the Government Code;
2. Or should be offset by cost savings these regulations will create.

f) Statement of Potential Cost Impact on Private Persons or Businesses and of Alternatives Considered

The Department has determined that these regulations will have no cost impact on private persons or businesses.

SDSS has determined that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

g) Small Business Impact Statement

The Department has determined that these regulations will have no adverse fiscal impact on small businesses.

h) 15-Day Renotice Statement

No changes were made to the proposed regulations based on testimony. However, the Department has removed a proposed federal option at Section 41-440.411. Also, the Department has made several nonsubstantive changes to correct inadvertant errors in cited references and to delete proposed text from this filing which was filed with the Office of Administrative Law in a preceeding regulatory change (OAL File No. 91-0716-05E). The Department considered these changes to be nonsubstantive and not subject to the 15-day comment period required by Section 11346.8(c) of the Government Code.

e) Local Mandate Statement

These regulations do impose a mandate on local county welfare agencies, but not on school districts. There are no state mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code. Any costs associated with the implementation of these regulations are either:

1. Mandated by the federal government within the meaning of Section 17513 of the Government Code;
2. Or should be offset by cost savings these regulations will create.

f) Statement of Potential Cost Impact on Private Persons or Businesses and of Alternatives Considered

The Department has determined that these regulations will have no cost impact on private persons or businesses.

SDSS has determined that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

g) Small Business Impact Statement

The Department has determined that these regulations will have no adverse fiscal impact on small businesses.

h) 15-Day Renotice Statement

No changes were made to the proposed regulations based on testimony. However, the Department made several nonsubstantive changes to correct inadvertent errors in cited references and to delete proposed text from this filing which was filed with the Office of Administrative Law in a preceeding regulatory change (OAL File No. 91-0716-05E). The Department considered these changes to be nonsubstantive and not subject to the 15-day comment period required by Section 11346.8(c) of the Government Code.

Amend Section 40-107.2 to read:

40-107 COUNTY RESPONSIBILITY

40-107

.1 (Continued)

.2 Arrangement for Substitute Payee, Guardian or Conservator

When there is a need for a person to act as a substitute payee on behalf of a recipient or when there is need for protection in the form of a guardian or conservator for the recipient, the county is responsible for assisting in the development of a satisfactory plan.

In planning for selection and appointment of someone to act in behalf of a recipient as a substitute payee, guardian or conservator, every effort must be made to protect the interests of the recipient and to avoid any possible conflict of interest. The recipient has the right to select the substitute payee, guardian or conservator to the extent of his/her capability.

Aid may be paid on behalf of the recipient to such substitute payee, guardian or conservator subject to the requirements and limitations specified below and in Section 44-303, ~~44-307~~ 44-309, and 44-310.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: California Department of Health Services Manual Letter 77-1.

Renumber Section 41-440.265 to 41-440.262 and amend Sections 41-440.233, 41-440.262 and 41-440.263 to read:

41-440 FEDERAL AFDC-U: UNEMPLOYED PARENT PROGRAM

41-440

.2 (Continued)

.23 (Continued)

.233 When the principal earner does not meet or maintain the work registration requirements, federal AFDC-U deprivation ~~does not~~ exists for the family/, however, the County shall deny or discontinue aid for the principal earner.

.26 (Continued)

.261 In the 30-day period immediately prior to the beginning date of AFDC-U, the principal earner shall not have, without good cause, refused a bona fide offer of employment or employment-related training. Refusal of employment includes a job quit.

.26~~2~~ When the applicant principal earner does not meet the good cause requirements of 41-440.265, the family shall be ineligible for federal AFDC-U for 30 days from the date he/she refused an offer of a job or training, or quit a job. ~~Refusal of a job includes a job quit. (See Section 41-600 for possible state-only AFDC-U eligibility with good cause.)~~ The CWD shall:

(a) (Continued)

(b) (Continued)

.26~~3~~ (Continued)

(a) Shall be made by the local WIN ~~Plan~~/GAIN staff (see Sections ~~42-688 and~~ 42-781 for good cause criteria) for those job referrals made by WIN ~~Plan~~/GAIN for WIN/GAIN registered principal earners. The good cause determinations of the WIN ~~Plan~~/GAIN staff may be appealed through the state hearing process of the Department of Social Services. (See Division 22-000 for the state hearing process.)

(b) Shall be made by the CWD, for good cause determinations when the referral was not made by either WIN ~~Plan~~ GAIN or EDD-JS.

.26~~4~~ (Continued)

.26~~5~~ (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988; Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; Omnibus Budget Reconciliation Act (OBRA) of 1990, Section 5061.

Amend Section 41-440.4 to read:

41-440 FEDERAL AFDC-U: UNEMPLOYED PARENT PROGRAM

41-440

.4 Connection with the Labor Force - Federal AFDC-U

.41 (Continued)

.411 By meeting one or a combination of the ~~following~~ requirements of in (a), or (b), of Section 41-440.412 below in ~~six~~ 6 calendar quarters within any 13-calendar-quarter period which ends within one year before the quarter of application or transfer to federal AFDC-U occurs/ (see Section 41-440.13(d)) /.

(a) (Continued)

OR

(b) (Continued)

~~OR~~

~~412 By meeting a combination of sections 41-440.411 (a) and (b)~~

.412 (Continued)

.413 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988.

Amend Handbook Section 41-441.11 to read:

41-441 PROCEDURES FOR REFERRAL TO AND COMMUNICATION WITH EDD-JS
FOR FEDERAL AND NONFEDERAL APPLICANTS AND RECIPIENTS

41-441

HANDBOOK BEGINS HERE

.1 (Continued)

- .11 All federal principal earners/ not required to register for WIN Demo or GAIN/ shall register for EDD-JS as a condition of eligibility unless exempt from WIN Demo/GAIN under Section 42-630. Principal earners who are exempt from WIN Demo/GAIN registration because of remoteness (Section 42-630 794) and principal earners who are receiving state-only AFDC/V are required to be registered with EDD-JS.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988, and Senate Bill (SB) 724, Chapter 97, Statutes of 1991.

Amend Section 42-213 Subitems i(7) to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY
WHICH MAY BE RETAINED

42-213

.2 Personal Property to be Excluded

i. Household Items and Furnishings

(7) Personal Computer Systems (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11155, Welfare and Institutions Code.

Repeal Section 42-407.25

42-407 EVIDENCE OF RESIDENCE INTENTION

42-407

.1 (Continued)

.2 Absence from the state (Continued)

- .25 If after being disqualified for continued absence/ the recipient returns to the State within 60 days after leaving/ and he is otherwise eligible/ he shall be granted aid on the first day of the month following his application/

Authority Cited: Section 10553 and 10554, Welfare and Institutions Code.

Reference: Senate Bill (SB) 991, Chapter 1285, Statutes of 1989 and WRL vs. McMahon, Case No. 268972 (Sacramento Superior Court), October 31, 1990.

Amend Section 44-113.9 to read:

44-113 NET INCOME

44-113

.9 Deduction of Court-Ordered Support Payments in Determining Net Income

Deduction shall be allowed for actual payments made in support of a child or spouse not in the home, paid pursuant to a court order, ~~shall be made not to exceed three months if the parent requests review of the order/ if/ upon review/ the court orders continued support payments/ the amount of the actual payment pursuant to the court order shall be deducted until the order is changed/~~ In no instance shall the deduction allowed exceed the amount of the payment required by the court order.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 C.F.R. 233.20(a)(3)(ii)(c).

Amend Section 44-133.7 to read:

44-133 TREATMENT OF INCOME -- AFDC

44-133

.71 Definitions

.711 (Continued)

.712 (Continued)

.713 A legal guardian is a person empowered by a court to be the guardian of the minor parent.

.714 A Senior Parent Unit consists of the senior parent of legal guardian/ his/her spouse, his/her children and any other persons residing in the home who may be claimed by the senior parent of legal guardian as dependents for federal income tax purposes when they are not in the assistance unit. (Continued)

.72 When a minor parent is an SSI/SSP recipient, the income of the senior parent of legal guardian residing in the home shall not be subject to the senior parent computation in Section .75 below. (Continued)

.73 Regulations concerning income to the assistance unit from a senior parent of legal guardian of a minor parent apply only when the senior parent of legal guardian resides in the home with a minor parent and the minor's child and the senior parent of legal guardian is not in the assistance unit.

.74 When the senior parent of legal guardian is included in the assistance unit, the total amount of the senior parent's of legal guardian's net nonexempt income shall be the income to the assistance unit for the purposes of eligibility determination and grant computation.

.75 Computation of Income to the Assistance Unit.

The income of the senior parents of legal guardians to be allocated to the assistance unit shall be determined as follows.

.751 When a senior parent of legal guardian receives lump-sum income (Section 44-207.41), the lump-sum income shall be treated as income in the month received and is not subject to the lump-sum period of ineligibility computation (Section 44-207.42).

.752 Determine the net non exempt income of each senior parent of each legal guardian according to the provisions in Chapter 44-100.

(a) When determining net earned income, each employed senior parent of legal guardian shall be entitled to the work expense disregard.

HANDBOOK (Continued)

(b) (Continued)

HANDBOOK (Continued)

- (c) Deduct the amounts actually paid by each senior parent ~~or~~ legal guardian to persons not living in the home but who are, or could be claimed by the senior parents ~~or~~ legal guardians as dependents for purposes of determining federal income tax liability.
- (d) Deduct any child and spousal support paid by the senior parent ~~or~~ legal guardian to persons not living in the home.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; and Omnibus Budget Reconciliation Act (OBRA) of 1990.

Amend Section 44-207.4 to read:

44-207 INCOME ELIGIBILITY

44-207

.4 (Continued)

.41 (Continued)

.411 Lump-sum income is any income as defined in Chapter 44-100 received by ~~the family~~ an applicant or recipient which is not recurring regular income. Lump-sum income is usually nonrecurring in regard to amount and/or source. Lump-sum income includes but is not limited to the following: retroactive social insurance payments, real estate commissions such as from sales, income from free lance work, net proceeds from sale of a crop and bonuses. (Continued)

.42 Lump Sum Income Computation

The following computation applies to lump-sum income which was received but not reported to the county, and to reported lump-sum income received in the budget month/ and to lump-sum income expected to be received in the payment month.

.421 Divide the total of lump-sum income, plus any other net nonexempt income received in the budget month ~~or expected to be received in the payment month/~~ by the total of the MBSAC plus any special needs. For this computation, when the lump-sum is received by an individual not included in the FBU, the MBSAC shall be increased by one (1) for each such individual.

.43 Applying the Lump Sum Period of Ineligibility

.431 Lump Sum Income Received by Applicants and Recipients

(e) When the lump sum is received in the month of application the period of ineligibility shall begin in that month.

HANDBOOK BEGINS HERE

.432 The court order in Rutan vs. McMahon requires that an applicant or recipient must be informed of the lump sum rules before a period of ineligibility can be applied.

HANDBOOK ENDS HERE

.432 Lump Sum Income Anticipated

(a) The period of ineligibility shall begin in the month the lump sum income is expected to be received and aid shall be discontinued even when the period of ineligibility is less than two months!

(b) When the case is discontinued because of an anticipated lump sum income and the lump sum is not actually received, the county shall rescind the discontinuance and issue the correct aid payment.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Rutan v. McMahon, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; and Johnson v. Carlson Stipulated Judgement.

Amend Section 44-303.2 and 44-303.3 to read:

44-303 AID PAYMENTS - DEFINED

44-303

- .2 Protective payments, i.e., assistance payments made to a substitute payee serving as representative of the recipient or family ~~++~~ (see Section ~~44-307.6~~ 44-309).

or

- .3 (Continued);

- .31 (Continued)

- .32 In AFDC, for use in ~~money management problem~~ certain Homeless Assistance cases (see Section ~~44-307~~ 44-211.5); and

- .33 In ~~WIN~~ ~~penal~~ ~~or~~ GAIN sanction cases (see ~~Section 42-891~~ ~~or~~ Section 42-786 ~~as appropriate~~).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988 and California Department of Health Services manual Letter 77-1.

44-307 MONEY MANAGEMENT

44-307

11 Money Management // Defined.

Money management is the manner in which an individual or family controls/ directs/ and otherwise manages his or their financial affairs/ Effective money management is the ability to plan for and control the expenditure of income in ways which provide for and protect the well-being of the individual and family (see Section 30-222/11)/

12 Income Maintenance Responsibility (For Responsibilities of Social Service System/ See Section 30-222/1)

121 To assist in the prevention of money management problems by informing the recipient or family of all income maintenance entitlements/ making budgetary provision for all allowable needs/ and by processing authorizations for aid promptly/

122 To identify potential money management problem situations (see Section 44-307/3)/

123 With the knowledge of or on request of the recipient/ to make a prompt referral to the Services System for an assessment when a money management problem appears to exist/

124 To implement variations in the method of delivery of aid as directed by the Services System (see Sections 44-307/4 through 44-307/7)/

125 To inform the Services System when eligibility for aid ceases/

13 Identifying Potential Money Management Problems

Circumstances which indicate there may be a problem in money management include/

131 Recipient's expressed concern about use of available income/

132 Worker's observations that essential needs are being neglected/

133 Reports from the community that essential needs of the recipient or family appear to be neglected/

134 Complaints about repeated failure to meet financial obligations incurred by the recipient or family/

14 Use of Protective Payments and Vendor Payments

A protective payment or a vendor payment shall be made only as directed by the Services System (Section 30-222/1)

15 Special Limitation on Vendor Payments

151 When the vendor payment method is used in applying the WIX sanction as provided in Section 307158, more than 50 percent of the grant must be paid through vendor payments.

152 Vendor payments to resolve money management problems shall be made only in AFDC.

1521 A vendor payment may be combined with a money payment to the family. In such cases, the appropriate Notice of Action form to the recipient shall clearly state the needs covered by the vendor payment and by the money payment, respectively.

1522 Vendor payments shall not be used to pay back bills.

1523 The amount paid as a vendor payment for any monthly recurring item of minimum need shall not exceed the amount specified for the item in the itemized cost schedule unless:

a/ Total need of the family is met as defined in Section 44281, or

b/ The recipient states in writing that he wants the full cost of the specific item paid and that he understands the implications of such request on planning to help resolve money management problems, including the effect on providing for meeting other essential needs.

16 Special Limitation on Protective Payments

When protective payments are made to a substitute payee, no portion of the grant may be made as a vendor payment or as a money payment to the recipient.

17 Variation in Delivery of Aid Warrants

When directed by the Services System, payments may be made more frequently than twice monthly and need not be equal in amounts.

18 Termination of Protective Payments and Vendor Payments

In AFDC, protective payments or vendor payments shall not continue beyond 12 months unless guardianship or conservatorship of the relative payee has been sought and such action is pending. Such method of payments shall be terminated when (a) a guardian or conservator has been appointed or (b) action for guardianship or conservatorship is denied by a court.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: California Department of Health Services Manual Letter 77-1.

Amend Section 44-309 and 44-309.1 to read:

44-309 PROTECTIVE PAYMENTS IN APPLYING THE CHILD SUPPORT SANCTION

44-309

1. When the parent or needy caretaker relative is excluded from the assistance unit pursuant to Sections ~~44-206/11d/~~ ~~44-206/11d/2/~~ 82-832.21 or ~~Section~~ 42-786, the payment for the assistance unit shall be made in its entirety by protective payments provided the county is able to locate an appropriate payee. See Section 44-310 for exceptions to protective payment requirements. ~~Where protective payments are made solely because of a failure to cooperate or to assign support rights pursuant to Section 43-106 or 43-107.~~

- .11 The recipient's inability to manage money need not be established. ~~The Money Management regulations in the FAS Manual do not apply.~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: California Department of Health Services Manual Letter 77-1.

Amend Section 44-310 to read:

44-310 EXCEPTIONS TO PROTECTIVE PAYMENTS REQUIREMENTS
UNDER SECTIONS 42/691/222/ 42/786/3 AND 44/189

44-310

1. (Continued)
2. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: California Department of Health Services Manual Letter 77-1.

Amend Section 44-352.4 to read:

44-352 OVERPAYMENT RECOUPMENT

44-352

.4 Methods of Recovery

.41 Grant Adjustment

.411 (Continued)

.(a) (Continued)

(b) Determine the required need allowance

- (2) If the Maximum Aid Payment has been prorated, as in a beginning month, the need allowance shall be computed by multiplying the prorated Maximum Aid Payment plus any special need by .90, or by .95 if the overpayment was caused by agency error.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 C.F.R. 233.20(a)(13)(i)(A)(2).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
Office of the Secretary of State
State of California

JAN 16 1992

At 4:41 o'clock P. M.
MARCH FONG EU, Secretary of State
By Ann M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-1224-02



MARZ GARCIA
Director

01/16/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

Social Services

AGENCY FILE NUMBER
RDB #0691-50

OAL FILE NUMBERS	NOTICE FILE NUMBER 291-0820-09	REGULATORY ACTION NUMBER 91-1231-068	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only

1991 DEC 31 PM 3:01

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

JAN 16 1992

Office of Administrative Law

NOTICE

REGULATIONS

FILED
In the Office of the Secretary of State
of the State of California

JAN 16 1992

At 4:41 o'clock P. M.
MARCH FONG EU, Secretary of StateBy Bruce M. Marassero
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 91-1231-068	PUBLICATION DATE 8-30-91	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) 22	ADOPT Section 87730(a) through (j)
SECTIONS AFFECTED	AMEND Sections 87218, 87340, 87341, 87563 and 87564
	REPEAL

2. TYPE OF FILING

- ☒ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))
- ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal
- ☐ Other (Specify)

6. CONTACT PERSON

JIM RHOADS, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Nealy

TYPED NAME AND TITLE OF SIGNATORY

JOHN D. HEALY, Interim Director

DATE

12-31-91

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 87218(a) to read:

Article 3. Application Procedures

87218 APPLICATION FOR LICENSE

87218

(a) (Continued)

(1) (Continued)

(2) Name and address of the applicant and a copy of the certificate of completion by the applicant of an approved certification program as specified in Section 87730.

(A) This section shall apply to all applications for license, unless the applicant has a current license for another residential care facility for the elderly which was initially licensed prior to July 1, 1989 or has successfully completed an approved certification program within the prior five years.

(B) If the applicant is a firm, partnership, association, or corporation, the chief executive officer or person serving in a like capacity or the designated administrator of the facility shall meet the requirements of this section.

(3) through (8) (Continued)

(9) Name of Administrator and, if other than the applicant, verification of registration in or a copy of the certificate of completion of an approved certification program.

(A) Individuals employed as an administrator prior to December 30, 1992, if other than the applicant, shall be allowed to provide verification of registration in an approved certification program which will be completed on or before December 30, 1992.

(B) Administrators who have a valid license as a nursing home administrator are exempted from the requirement for certification.

(10) through (18) (Continued)

Authority Cited: Sections 1569.18 and 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.23(e) and (f), 1569.5, 1569.10, 1569.15, 1569.151, 1569.16, 1569.17, 1569.175, 1569.18, 1569.19, 1569.20, 1569.21, 1569.22, 1569.23, 1569.24, 1569.30, 1569.312, 1569.45, 1569.60, 1569.615 and 1569.62, Health and Safety Code.

Amend Section 87340(c) and reletter existing (c) through (g) to (d) through (h):

Article 4. Administrative Actions

87340 DENIAL OF INITIAL LICENSE

87340

(a) (Continued)

(b) (Continued)

(c) The licensing agency shall have the authority to deny an initial application if the applicant does not comply with Sections 87218 (a)(2) and (a)(9).

(~~d~~) (Continued)

(~~e~~) (Continued)

(~~f~~) (Continued)

(~~g~~) (Continued)

(~~h~~) (Continued)

Authority Cited: Sections 1569.18 and 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.15, 1569.17, 1569.18, 1569.20, 1569.21, 1569.22, 1569.23(a) and (e), 1569.30, 1569.485, 1569.49, 1569.51, 1569.52 and 1569.53, Health and Safety Code.

Amend Section 87341(d) and reletter existing (d) through (f) to (e) through (g):

87341 DENIAL OF A RENEWAL LICENSE

87341

(a) (Continued)

(b) (Continued)

(c) (Continued)

(d) After December 30, 1992, the licensing agency shall deny the renewal application if the facility administrator has not completed the approved certification program as specified in Section 87730, unless the administrator is exempt from these requirements as specified in Section 87564(a).

(~~d~~e) (Continued)

(~~e~~f) (Continued)

(~~f~~g) (Continued)

Authority Cited: Sections 1569.18 and 1569.30, Health and Safety Code.

Reference: Sections 1569.15, 1569.18, 1569.19, 1569.20, 1569.22, 1569.23, 1569.30, 1569.50, 1569.51, ~~and~~ 1569.52, and 1569.615(c), Health and Safety Code.

Amend Section 87563(c) to read:

Article 6. Continuing Requirements

87563 PROVISION FOR ADMINISTRATOR

87563

(a) (Continued)

(b) (Continued)

(c) When a change of administrator occurs, the licensing agency shall be notified in writing ~~of~~ and the following information shall be submitted within fifteen (15) working days of the change:

(1) (Continued)

(2) (Continued)

(3) (Continued)

(4) (Continued)

(5) A copy of the certificate of completion of an approved certification program, unless exempt from this requirement by possession of a valid nursing home administrator license.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.17, 1569.2, 1569.30, 1569.31, 1569.312, 1569.615 and 1569.62, Health and Safety Code.

Amend Section 87564(a) and reletter existing (a) through (f) to (b) through (g):

87564 ADMINISTRATOR - QUALIFICATIONS AND DUTIES

87564

(a) All administrators shall successfully complete an approved certification program.

(1) Individuals employed as an administrator as of December 30, 1992 shall have completed an approved certification program on or before that date.

(2) As of December 31, 1992 individuals shall complete an approved certification program prior to being employed as an administrator.

(3) Administrators who possess a valid nursing home administrator license shall be exempt from this requirement.

(4) Administrators required to complete a certification program shall pass a standardized test administered by the Department.

(b) (Continued)

(1) (Continued)

(2) (Continued)

(3) (Continued)

(4) (Continued)

(5) (Continued)

(c) (Continued)

(d) (Continued)

(e) (Continued)

(f) (Continued)

(g) (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.30, 1569.31, 1569.312, 1569.315, 1569.615 and 1569.62, Health and Safety Code.

Adopt Section 87730(a) through (j) to read:

87730 CERTIFICATION PROGRAM

87730

- (a) Certification Programs shall be approved by the Department prior to being offered to applicants or administrators.
- (b) Any person or entity seeking approval of a Certification Program shall submit a written request to the Department. The request shall contain the following information:
 - (1) Name, address and phone number of the person(s) or entity requesting approval and the name of the person in charge of the program.
 - (2) Subject title, classroom hours and scheduled dates, duration, time, location and proposed instructor of each class to be offered.
 - (3) Written course description and educational objectives for each class offered.
 - (4) Qualifications, as specified in this section, of each proposed instructor.
 - (5) Geographic areas in which courses will be offered.
 - (6) Types of records to be maintained.
- (c) Certification Program approval shall expire two years from the effective date of the program.
- (d) A written request for renewal of Certification Program approval shall be submitted to the Department and shall contain the information specified in (b) above.
- (e) Within 90 days of receipt of the request for approval or renewal of an approval of a Certification Program by the licensing agency, the licensing agency shall give written notice to the person or entity seeking approval of one of the following:
 - (1) The request is complete.
 - (2) The request is deficient, describing what documents are outstanding and/or inadequate, and informing the person or entity that the information must be submitted within 30 days of the date of the notice.
- (f) If the person or entity does not submit the requested information within 30 days as specified in (e)(2) above, the request for approval of a Certification Program shall be deemed withdrawn provided that the licensing agency has not denied or taken action to deny the request.
- (g) Within 30 days of receipt of an acceptable request for an approval of a Certification Program, the licensing agency shall notify the person or entity in writing whether the request has been approved or denied.

(h) The Certification Program shall consist of the following components:

(1) A minimum of 40 classroom hours with the following basic curriculum:

- (A) Twelve (12) hours of instruction in laws, including residents' personal rights, regulations, policies, and procedural standards that impact the operations of residential care facilities for the elderly.
- (B) Three (3) hours of instruction in business operations.
- (C) Three (3) hours of instruction in management and supervision of staff.
- (D) Five (5) hours of instruction in the psychosocial needs of the elderly.
- (E) Five (5) hours of instruction in the physical needs of the elderly.
- (F) Two (2) hours of instruction in the use of community and support services to meet residents' needs.
- (G) Five (5) hours of instruction in the use, misuse and interaction of drugs commonly used by the elderly.
- (H) Five (5) hours of instruction on admission, retention, and assessment procedures.

(2) A standardized test developed by the Department.

- (A) Individuals completing a certification program must pass the test with a minimum score of 70 percent.

(i) Certification Program vendors shall:

- (1) Offer all 40 of the classroom hours required for certification.
- (2) Establish a procedure to allow participants to make up any component necessary to complete the program.
- (3) Within seven (7) days of determination that an individual has completed 40 hours of class instruction, submit the participant's name to the Department.
- (4) Maintain records, available for review by the Department representatives. These records shall include the following information:
 - (A) Class schedules and descriptions
 - (B) List of instructors and qualifications for each, as specified in this section

- (C) Names of registered participants and documentation of completion of the program
- (5) Ensure that all classes are open to attendance by Department representatives.
- (6) Use persons as instructors who have knowledge or experience in the subject area to be taught and who meet the following criteria:
 - (A) Possession of a four year college degree relevant to the course(s) to be taught, or
 - (B) Possession of a valid California Teacher Credential, or
 - (C) Be a health professional with a valid and current license to practice in California, or
 - (D) Have at least four years' experience in California as an administrator of a Residential Care Facility for the Elderly, within the last eight years, and with a record of administering facilities in substantial compliance, as defined in Section 87101.
- (j) The Department may revoke Certification Program approval if the vendor:
 - (1) Is unable to provide training due to lack of staff, funds or resources, or
 - (2) Misrepresents or makes false claims regarding the training provided.

Authority Cited: Section 1569.30, Health and Safety Code; and Section 15376, Government Code.

Reference: Section 1569.23, Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the Office of the Secretary of State
City of Sacramento, California

JAN 16 1992

At 4:41 o'clock P. M.
MARCH FONG EU, Secretary of State
By Pam M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-1231-06



MARY GARCIA
Director

01/16/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

0901-40

OAL FILE
NUMBERS

NOTICE FILE NUMBER

Z-91-0924-01

REGULATORY ACTION NUMBER

92-0205-05R

EMERGENCY NUMBER

91-0905-01E

PREVIOUS REGULATORY ACTION NUMBER

92-0106-01C

For use by Office of Administrative Law (OAL) only

1992 FEB -5 PM 4:41

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

FEB 06 1992

Office of Administrative Law

NOTICE

REGULATIONS

For use by Secretary of State only

APPROVED

FILED

In the office of the Secretary of State
of the State of California

FEB 6 1992

At 4:30 o'clock P.M.

MARCH FONG EU, Secretary of State

By Ann M. Manassero
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT	30-192.6 and .61
SECTIONS AFFECTED	AMEND	30-002 n.
	REPEAL	

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☒ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☐ Effective on filing with Secretary of State
 ☒ Effective other (Specify) 02/05/92

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

James W. Rhoads, Asst. Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

DATE

2/5/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Readopt Section 30-002 n. to read:

30-002 DEFINITIONS (Continued)

30-002

- n. "Neglect" means the failure to provide a person with necessary care and protection. In the case of a child, the term refers to the failure of a parent(s)/guardian(s) or caretaker(s) to provide the care and protection necessary for the child's healthy growth and development. Neglect occurs when children are physically or psychologically endangered. The term includes both severe and general neglect as defined by Penal Code Section 11165.2 and medically neglected infants as described in 45 Code of Federal Regulations (CFR) Part 1340.15(b).

HANDBOOK BEGINS HERE

(A) through (C) (Continued)

(D) 45 Code of Federal Regulations (CFR) Part 1340.15(b)(1) defines "medical neglect" as follows:

(i) The withholding of medically indicated treatment from a disabled infant with a life-threatening condition.

(E) 45 CFR Part 1340.15(b)(2) defines "withholding of medically indicated treatment" as follows:

...the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's (or physicians') reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's (or physicians') reasonable medical judgment any of the following circumstances apply:

(i) The infant is chronically and irreversible comatose;

(ii) The provision of such treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

(iii) The provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment of itself under such circumstances would be inhumane.

(F) 45 CFR Part 1340.15(b)(3) defines "infant" as follows:

(i) ...an infant less than one year of age. The reference to less than one year of age shall not be construed to imply that treatment should be changed or discontinued when an infant reaches one year of age, or to affect or limit any existing protections available under State laws regarding medical neglect of children over one year of age. In addition to their applicability to infants less than one year of age, the standards set forth in 45 CFR Part 1340.15(b)(2) should be consulted thoroughly in the evaluation of any issue of medical neglect involving an infant older than one year of age who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability.

(G) 45 CFR Part 1340.15(b)(3) defines "reasonable medical judgment" as follows:

(ii) ...a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 USC Section 675; 45 CFR Part 1340.15(b); Section 11165.2, Penal Code; and Sections 300(b), 366.3, 10553, 10800, 11008.15, and 16506.1, Welfare and Institutions Code; and Section 265, Civil Code.

Readopt Section 30-192.6 to read:

30-192 GENERAL ADMINISTRATIVE REQUIREMENTS AND PROGRAM SUPPORT
ACTIVITIES (Continued)

30-192

- .6 The county welfare department shall contact each appropriate health care facility in the county to obtain the name, title and telephone number of the person who is mandated to report child abuse and neglect under Penal Code Section 11164, et seq. and who is designated by the health care facility to act as a liaison to the county for medically neglected infants as defined in Section 30-002 n.
- .61 The county welfare department shall, no less than once a year, recontact each appropriate health care facility in the county to obtain any changes in the name, title and telephone number of the designated person.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11166, Penal Code and 45 CFR Part 1340.15(c)(2)(ii) and (3).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

FEB 6 1992

At 4:30 o'clock P. M.
MARCH FONG EU, Secretary of State
By Anne M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0205-05



MARZ GARCIA
Director

02/06/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (Many)

0791-33

OAL FILE
NUMBERSNOTICE FILE NUMBER
Z-91-1021-02

REGULATORY ACTION NUMBER

92-028-01C

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

91-0920-09E

For use by Office of Administrative Law (OAL) only

FILED
in the office of the Secretary of State
of the State of California

FEB 25 1992

At 4:29 o'clock P.M.

MARCH HONG EU, Secretary of State

3y Ann M. Marassero
Deputy Secretary of State

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 91, #44-2	PUBLICATION DATE 11-1-91

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT
MPP	50-020, et seq.
SECTIONS AFFECTED	AMEND
	REPEAL

2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))
- ☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

- ☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal
- ☐ Other (Specify)

6. CONTACT PERSON

James W. Rhoads, Asst. Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

DATE

1/27/92

Amend Sections 50-020.311(a) and (b), .331, .531, .55, .552(a) and (c), .56, .64 and .71 to read:

50-020 SALLIS V. MCMAHON RETROACTIVE COURT CASE

50-020

HANDBOOK BEGINS HERE

.1 Background

The Sallis v. McMahon lawsuit challenged the State Department of Social Services' (SDSS') policy of denying income disregards for State Disability Insurance (SDI) benefits to families receiving aid under the Aid To Families with Dependent Children (AFDC) Program. On January 30, 1991, the Final Order settling the lawsuit was entered in Sacramento County Superior Court. Under the terms of the order, SDSS and county welfare departments (CWDs) must inform potential claimants about possible retroactive benefits. The provisions of the order that involve retroactivity are set forth in these regulations.

HANDBOOK ENDS HERE

.2 Definitions

For the purposes of these regulations:

.21 Class Members

"Class Members" means those individuals who:

.211 AFDC

Were granted AFDC between June 1, 1987 and March 31, 1991; and

.212 SDI

Received State Disability Insurance benefits; and

.213 Disregards

Were denied earned income disregards available in the AFDC Program for SDI benefits (MPP Sections 44-111.2 and 44-113.2).

.22 Temp 1800

"Temp 1800" means the Informing/Claim Form Temp 1800 (Rev. 7/91) which is the form which potential claimants use to file a claim for retroactive benefits.

.221 Languages

The Temp 1800 shall be printed in English and the five standard languages.

.23 NOA

"NOA" means a Notice of Action (NOA) which shall be an adequate notice in accordance with Section 22-001a. A claimant shall be "informed" of the outcome of a claim when the claimant is provided a NOA.

.24 Five Standard Languages

"Five Standard Languages" means Spanish, Vietnamese, Lao, Chinese and Cambodian.

.25 Responsible County

"Responsible County" means the county welfare department which calculated a claimant's AFDC payments without allowing earned income disregards for SDI benefits.

.26 Retroactive Period "Retroactive Period" means the period of time between June 1, 1987 and March 31, 1991.

.27 ABCDM 228 "ABCDM 228" means the Release of Information form ABCDM 228 (Rev. 10/78) which is used to obtain documentation when the claimant does not have the necessary information or is unable to provide such information.

.28 GEN 1172 "GEN 1172" means the Statistical Report GEN 1172 (Rev. 7/91) which gathers data concerning cases which claim SDI work related deductions.

.29 State Listing "State Listing" means a listing of potential class members who received both AFDC and SDI benefits concurrently at some time between August 1, 1989 and March 31, 1991 which is provided by the State to all counties.

.3 Informing of Possible Retroactive Benefits The county shall:

.31 County Offices Post the Temp 1799 (Rev. 7/91) in English and Spanish in conspicuous locations in all county offices from October 1, 1991 through November 30, 1991.

.311 Temp 1799 Reproducible copies of the Temp 1799 shall be provided to the county no later than September 23, 1991 by SDSS in English and Spanish with referrals for translations in Vietnamese, Laotian, Chinese and Cambodian.

HANDBOOK BEGINS HERE

(a) English/Spanish The English and Spanish entries of the Temp 1799 inform potential claimants and the general public about possible retroactive benefits.

(b) Referral for Other Languages The referrals for translations on the Temp 1799 state (as translated):

"Welfare may owe you money. You may contact the Welfare Department for a translation of this notice."

HANDBOOK ENDS HERE

.32 Food Stamp Issuance Outlet Forward a supply of Temp 1799 in English and Spanish to all Food Stamp issuance outlets within the county no later than September 23, 1991 with instructions that the posters be displayed in conspicuous locations from October 1, 1991 through November 30, 1991.

.33 Claim Forms

The county shall:

.331 Past AFDC
Recipient

Mail a Temp 1800 to the last known address of potential class members provided by SDSS who are not currently receiving AFDC, but received aid at some time from July 1, 1989 through March 31, 1991.

.332 Others On Request

Provide or mail a Temp 1800 upon request to any person.

.4 Claims for Retroactive
Benefits

.41 Claimant Responsibility

Those claimants who are not currently on AFDC and who appear on the state listing or claimants who do not appear on the state listing shall:

.411 File Claim

Complete and sign under penalty of perjury the Temp 1800.

.412 Deadline

Submit the Temp 1800 to the local county office or to the responsible county no later than November 30, 1991.

(a) Resubmit

The claimant shall be permitted to resubmit a previously denied claim during the period October 1, 1991 through November 30, 1991.

(b) Date
Submitted

The date of the original submission shall be the date of the claim when the original Temp 1800 is submitted within the period, but is returned for additional information or forwarded to another county.

.42 Current Recipient's
Responsibility

A recipient who is currently receiving AFDC and who appears on the state listing shall not be required to submit a Temp 1800. The county shall compute the retroactive benefits using the case record information. The recipient shall provide information to the county only when necessary to complete the computation for retroactive benefits.

.43 County
Responsibilities

The county shall:

.431 Date Received

Stamp each Temp 1800 with the date received and retain all envelopes that were postmarked after November 30, 1991.

.432 Maintain Record

Maintain all documents until the end of the claim period for each case where a claim is filed.

.433 Case Location

Attempt to locate a case record.

- .434 Responsible County Determine which county is the responsible county.
- (a) Deny/
Transfer
Claim The county shall deny the claim and send the claimant a denial NOA M50-020 CT (Rev. 7/91) when the receiving county determines that it is not the responsible county.
- (1) The date of claim shall be the date the claim is initially received by the first county.
- (2) The receiving county shall send the responsible county the Temp 1800, any supporting documentation and a copy of the NOA M50-020 CT (Rev. 7/91) sent to the claimant within 30 calendar days.
- (b) More Than
One Claim The first claim shall be processed and any subsequent claim denied when more than one claim is made for a specific instance of eligibility for retroactive benefits.
- (c) Cannot
Determine The county shall deny the claim when the responsible county cannot be determined.
- (d) Process
Claim The receiving county shall process the claim when it is the responsible county.

.5 Claims Processing

- .51 State Identified Claimant The county shall determine whether the claimant is a class member and take appropriate action by November 30, 1991 for those potential claimants identified on the state listing who are currently receiving AFDC.
- .52 County Time Limit The county shall take appropriate action within 60 days of receipt of a completed claim form (Temp 1800) for those claimants required to submit a Temp 1800.
- .53 Completeness of Claim The county shall review each Temp 1800 received for completeness.
- .531 Mandatory Information The Temp 1800 shall be considered complete when the claimant has provided the following information:
- (a) SSN Claimant's Social Security Number (SSN).
- (b) Case Name Case(s) name during the retroactive period.
- (~~3~~c) Birth Date Claimant's date of birth.
- (~~4~~d) Signature Claimant's signature.

- .532 Optional Information The claimant shall provide the following information on the Temp 1800 to the extent possible:
- (a) County Any counties of residence during the retroactive period.
 - (b) Date of SDI The approximate date (s) of receipt of the State Disability Insurance (SDI) benefits.
 - (c) Telephone Claimant's telephone number.
 - (d) District Office District office where the claimant received AFDC during the retroactive period.
 - (e) Address Claimant's current address.
- .54 Verify Information The county shall compare information on the claim form to information in the case record when a Temp 1800 has been submitted.
- .541 Conflicting Information The county shall use the information in the case record when information the claimant has provided on the Temp 1800 conflicts with the information contained in the case record.
- .542 Unavailable Case Record The county shall use the information provided by the claimant on the Temp 1800 when the case record information is not available or is insufficient.
- .55 Inconsistent/Lacking Information The county shall request further information or clarification within 30 calendar days from the receipt of the claim form, when the county lacks essential information. The county shall also request additional information or clarification when the information is internally inconsistent on a Temp 1800.
- .551 Interview The county shall complete claim processing without requiring claimants to come in person to the local or responsible county office to the extent possible.
- .552 Supporting Information The county shall request that the claimant supply documentation when necessary in support of the claim if such documentation is in the claimant's possession.
- (a) Time Limit The claimant shall have 30 calendar days from the date the county requests omitted information to return the completed Temp 1800. The county shall notify the claimant with an NOA M50-020 AT (Rev. 7/91) to request additional necessary information.

- (b) Release of Information The county shall request that the claimant sign a Release of Information form ABCDM 228 (Rev. 10/78) or the county equivalent form to allow the county to obtain documentation on behalf of the claimant when the claimant does not have the information.
 - (c) Failure to Provide Information The county shall deny the claim on the denial NOA M50-020 CT (Rev. 7/91) when the claimant fails to provide documentation in his/her possession or sign the ABCDM 228 or the county equivalent.
- .56 County Processing Time The county shall have an additional 30 calendar days from receipt of the returned information to process the claim when the county requests additional information from the claimant.
- .57 Deny Claim The county shall deny the claim and send a denial NOA M50-020 CT (Rev. 7/91) to the claimant when:
 - .571 Not Class Member The county determines that the claimant is not making a claim for a class member.
 - .572 No AFDC No record that the claimant applied for or received AFDC during the retroactive period can be found.
 - .573 Past Time Limit The original Temp 1800 is submitted but is not received or postmarked within the period October 1, 1991 through November 30, 1991.
- .6 Computation of Retroactive Benefits
 - .61 Earned Income Disregard The county shall recompute the aid payment for any eligible month during the retroactive period by deducting the appropriate earned income disregards from the SDI income.
 - .611 No Interest No interest shall be paid on the retroactive benefits.
 - .62 Not Income/Property Retroactive benefits shall not be considered as income or property as a condition of eligibility in AFDC or the Food Stamp Program to the extent permitted by federal law and regulations.
 - .63 Offset Overpayments The county shall offset any outstanding recoupable overpayments with retroactive benefits due and owing.
 - .64 Issue Payment The county shall issue payments within 20 calendar days when eligibility has been determined for the retroactive benefits.

.7 Statistical Reporting

- .71 Deadline for Report The CWDs shall submit a Statistical Report GEN 1172 (Rev. 7/91) no later than May 31, 1992, indicating the:
- .711 Claims Received The number of claims received by the CWD.
- .712 Cases Paid The number of cases paid by the CWD.
- .713 Claims Denied The number of claims denied by the CWD.
- .714 Benefits Paid The total amount of benefits paid.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code and Sallis v. McMahon, Class Action Stipulation of Settlement and Consent Decree, Sacramento Superior Court, Case No. 364308, dated January 30, 1991.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

FEB 25 1992

4:29 o'clock P M.
MARGARET HONIG EU, Secretary of State
By Ann M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0128-01



MARY GARCIA
Director

02/25/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

Department of Social Services

AGENCY FILE NUMBER (if any)

RDB #0 92-03

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

92-0218-04E

For use by Office of Administrative Law (OAL) only

1992 FEB 18 PM 2:56

ENDORSED
APPROVED FOR FILING

FEB 25 1992

Office of Administrative Law

NOTICE

REGULATIONS

FILED

In the office of the Secretary of State
of the State of California

FEB 25 1992

4:29 o'clock P.M.

MARCUS J. EU, Secretary of State

By Ann M. Marassero
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT MPP Division 63, Section 63-008
SECTIONS AFFECTED	AMEND Division 63, Sections 63-502, 900 and 1101 (handbook) REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
☐ Resubmittal
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
☒ Emergency (Gov. Code, § 11346.1(b))
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.
☐ Print Only
☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
☐ Effective on filing with Secretary of State
☒ Effective other (Specify) March 1, 1992

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399)
☐ Fair Political Practices Commission
☐ State Fire Marshal
☐ Other (Specify) _____

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

John D. Healy
TYPED NAME AND TITLE OF SIGNATORY
John D. Healy, Interim Director

2/14/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for reoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 63-008 to read:

63-008 IMPLEMENTATION OF THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER 63-008
RELIEF ACT. P.L. 101-624, November 28, 1990, HOMELESS STANDARD
SHELTER ALLOWANCE AND DISASTER ASSISTANCE PROVISIONS

- .1 Sections 63-502.3 and 63-900.5 as amended herein, shall become effective March 1, 1992.
- .11 Beginning March 1, 1992, the CWDs shall implement the amended or adopted provisions for all new food stamp applications.
- .12 For continuing cases and any households entitled to restored benefits, these provisions shall be implemented and appropriate restoration of benefits made upon request by the household, at recertification, when the case is next reviewed, or when the CWD becomes aware that a review is needed, whichever occurs first. Restored benefits are to be provided back to the date of application or February 1, 1992, whichever occurred later.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 272.1.

Amend Section 63-502.3 to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued).

63-502

.3 Income Deductions

The CWDs shall determine food stamp benefit level pursuant to the deductions contained in this section. The standard deduction, excess medical costs, homeless standard shelter allowance, and the excess shelter deduction are: promulgated and updated by the USDA; published, as specified in 7 CFR 273.9(d)(1), (3), and (5); and to be implemented upon their effective date. The amounts for the earned income deduction and the dependent care deduction for nonelderly households are determined by federal law and published by the USDA in 7 CFR 273.9(d)(2) and (4), respectively. ~~The updated standard deduction/ excess medical costs/ earned income deduction/ dependent care/ and excess shelter deductions are to be implemented upon their effective date/~~ The current amounts are reproduced in Handbook Section 63-1101. Deductions shall be allowed only for the following household expenses:

.31 through .34 (Continued)

.35 Shelter Costs. (Continued)

.351 Shelter costs shall include only the following:

(a) The homeless standard shelter allowance is available to homeless households who are not receiving free shelter for the entire calendar month. If the homeless standard shelter allowance is used, separate utility costs may not be claimed since this allowance includes a utility cost component.

(1) All homeless households which incur, or reasonably expect to incur, shelter costs during a month shall be eligible to use the homeless standard shelter allowance without providing verification of the shelter costs. Higher shelter costs may be used if verification is provided.

(2) Homeless households which do not incur shelter costs during the month shall not be eligible for the homeless standard shelter allowance.

(~~a~~b) (Continued)

(~~b~~c) (Continued)

(~~c~~d) (Continued)

(~~d~~e) (Continued)

(~~e~~f) (Continued)

.352. Standard Utility Allowance

- (a) The standard utility allowance (SUA) may be used in calculating shelter costs of those households which incur heating or cooling costs separate and apart from their rent or mortgage payments, including residents of rental housing who are billed on a monthly basis by their landlords for actual usage as determined through individual metering.

(1) Households who are using the homeless standard shelter allowance shall not be entitled to the SUA because a utility component is included in the homeless standard shelter allowance.

(72) (Continued)

(73) (Continued)

(74) (Continued)

(45) (Continued)

(76) (Continued)

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code, Public Law 101-201, P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 100-77 and 7 CFR 273.7(f), 7 CFR 273.9(c)(iv)(B), 7 CFR 273.9(c)(i)(F), 7 CFR 273.9(d)(41) through (5), 273.9(d)(6)(vii), and (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal Feb. 1, 1990) ____ F. Supp. ____ [Dock. No. CV-89-0768].); P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

Amend Section 63-900.55 to read:

63-900 EMERGENCY FOOD STAMP ASSISTANCE IN DISASTERS

63-900

.5 Household Certifications

.55 Basis of Emergency Coupon Issuance

(a) through (c) (Continued)

- (d) Households currently certified for the ongoing program may also be eligible for emergency coupon issuance. Eligibility shall be determined in the same manner as for any other disaster victims as specified in Section 63-900.54. To the extent practicable, the CWD shall reduce disaster benefits issued to households currently certified under the ongoing program by the amount of benefits issued to the household under the ongoing program for any part of the disaster benefit period.

If the household's food has been damaged and must be replaced as a result of the disaster, the emergency coupon allotment shall not be reduced by the amount of benefits issued under the ongoing program. ~~To the extent that it is not practicable to determine/ verify or otherwise take into account ongoing program benefits/ the CWD shall/ through SSSS/ obtain approval from FMS to issue full emergency coupon allotments to eligible households that are currently certified under the ongoing program/~~ The emergency allotment shall be equal to the value of the food actually lost in the disaster, but not greater than the applicable maximum monthly allotment for the household size.

(e) through (k) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 271.2, ~~and~~ 7 CFR 274.6, and 7 CFR 280.1.

Add Handbook Section 63-1101.27 to read:

HANDBOOK BEGINS HERE

63-1101 TABLES OF COUPON ISSUANCE (Continued)

63-1101

.1 (Continued)

.2 Income Deductions

.21 through .26 (Continued)

.27 Homeless Standard Shelter Allowance. Effective February 1, 1992, the homeless standard shelter allowance shall be \$128, and it shall be adjusted annually on October 1.

HANDBOOK ENDS HERE

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

FEB 25 1992

At 4:29 o'clock P.M.

MARC ANTONIO EU, Secretary of State

By Ann M. Marvassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0218-04



MARZ GARCIA
Director

02/25/92

EMERGENCY
NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

AGENCY

(See instructions on
reverse)

For use by Secretary of State only

State Department of Social Services

AGENCY FILE NUMBER (If any)

RDB #0192-02

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 92-0218-05E	PREVIOUS REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only

1992 FEB 18 PM 3:03

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

FEB 27 1992

Office of Administrative Law

NOTICE

REGULATIONS

FILED
in the office of the Secretary of State
of the State of California

FEB 27 1992

At 4:32 o'clock P. M.

MARCH FONG EU, Secretary of State

By Ann M. Marassero
Deputy Secretary of State**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S)** (Including title 26, if toxics-related)

TITLE(S)	ADOPT
MPP	Section 40-013
SECTIONS AFFECTED	AMEND
	Section 44-133
	REPEAL

2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))
- ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

- ☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☐ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify) March 1, 1992

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

- ☐ Other (Specify) _____

6. CONTACT PERSON

James Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

DATE

2/14/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 40-013 to read:

40-013 IMPLEMENTATION OF REGULATIONS FOR THE TREATMENT OF EARNED
INCOME DISREGARDS FOR SANCTIONED INDIVIDUALS

40-013

- .1 This regulatory action consists of amending Section 44-133.32 in order to provide consistency with the Federal Action Transmittal FSA-AT 91-4 resulting from the Simpson v. Hegstrom court decision. These regulations as amended herein shall become effective March 1, 1992.
- .2 Corrective underpayments to eligible recipients resulting from the application of Section 44-133.32 shall be provided back to the date of application or March 1, 1991, whichever occurred later.
- .21 Appropriate corrective underpayments shall be paid upon request of the recipient, or at redetermination, or when the CWD becomes aware that a review is needed, whichever comes first.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10850, 11271, 11272 and 11450(f)(2), Welfare and Institutions Code; 45 CFR 205.50, 45 CFR 206.10(a)(1)(ii), and 45 CFR 206.10(a)(8); U.S. Department of Health and Human Services Federal Action Transmittal No. FSA-AT-91-4 dated February 25, 1991; and Simpson v. Hegstrom, 873 F.2d 1294 (1989).

Amend Section 44-133.32 to read:

.3 Income in Cases in Which a Parent or Child has been Excluded from the Assistance Unit

.31 (Continued)

.32 Income of the parent or child who is excluded from the assistance unit pursuant to the provisions of Section 44-133.31 shall be allocated to the assistance unit by allowing the standard work expense and dependent care disregards, when applicable, but without the application of earned income disregards of consideration of his/her own needs.

.321 The earned income disregards allowed in Section 44-133.32 above shall be denied when the sanctioned individual:

- (a) fails to make a timely report of earnings as required, or
- (b) without good cause, terminates employment, reduces earnings or refuses employment within the budget period or the 30 days immediately prior to the budget period.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11450, 11452, and 11453, Welfare and Institutions Code; 45 CFR 233.20(a)(1)(i); 45 CFR 233.20(a)(3)(vi)(B) and (xiv); and 45 CFR 233.90(c)(2)(i); U.S. Department of Health and Human Services Federal Action Transmittal No. FSA-AT-91-4 dated February 25, 1991; and Simpson v. Hegstrom, 873 F.2d 1294 (1989).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

FEB 27 1992

At 4:32 o'clock P.M.
MARCO FONG EU, Secretary of State
By Ann M. Marzessero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0218-05

Marz Garcia

MARZ GARCIA
Director

02/27/92

NOTICE OF CALIFORNIA REGULATIONS SUBMISSION

See instructions on
(reverse)

For use by Secretary of State only

STD. 6 (REV. 2-91)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

RDB #0891-39

OAL FILE
NUMBERSNOTICE FILE NUMBER
2-91-0924-01

REGULATORY ACTION NUMBER

92-0127-05C

EMERGENCY NUMBER

91-0924-01E

PREVIOUS REGULATORY ACTION NUMBER

91-0909-01E

For use by Office of Administrative Law (OAL) only

1992 JAN 27 PM 2 12

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

MAR 09 1992

Office of Administrative Law

NOTICE

FILED

in the office of the Secretary of State
of the State of California

MAR 9 1992

At 4:14 o'clock P. M.

MARCH FONG EU, Secretary of State

by Ann M. Massere
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT
MPP and 22	
SECTIONS AFFECTED	AMEND
	30-002, 30-184, 30-366, 35400, 35401, 35403, 35405, 35407, 35409
	REPEAL

2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))
- ☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

JIM RHOADS

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Neely
TYPED NAME AND TITLE OF SIGNATORY
JOHN D. HEALY, Interim Director

DATE

11/23/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

i. (3) (Continued)

- (A) "Appropriate public authority" means the state's Interstate Compact Administrator.
- (B) "Receiving agency" means a person or entity designated to receive any child from another party state.
- (C) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 USC Section 675; 45 CFR Part 1340.15(b); Section 11165.2, Penal Code; Sections 300(b), 366.3, 10553, 10800, 11008.15, 16506.1, Welfare and Institutions Code; and Section 265, Civil Code.

- .2 If the social worker determines that it is too dangerous to maintain a dependent minor of the court of another state in the home in which he/she has been placed under the ICPC, the social worker shall: (Continued)
- .22 Notify the sending agency and the appropriate public authority in the sending state of the child's removal within 48 hours, excluding nonjudicial days, of its occurrence.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10800, Welfare and Institutions Code; and Section 265, Civil Code.

Amend Section 30-366.381 to read:

30-366 ADDITIONAL REQUIREMENTS FOR OUT-OF-STATE PLACEMENTS (Continued) 30-366

.3 Procedures for children leaving California shall be as follows:

- .31 The California sending agency shall comply with the provisions of California Civil Code Sections 264 through 274.
- .32 The California sending agency shall complete Sections I, II and III of Form ICPC 100A (Rev. 10/91), Interstate Compact Placement Request, and shall:
 - .321 Retain one copy in agency files.
 - .322 Forward four copies to the appropriate public authority in the receiving state, with two copies of applicable legal documents such as court orders; two copies of summaries of significant information on the child and the prospective foster or relative family; and two copies of a financial and medical services plan, including information on the eligibility of the child for federal Title IV-E assistance.

HANDBOOK BEGINS HERE

- (a) ICPC suggested procedures specify that the receiving state's appropriate public authority should forward copies of the summaries and legal documents to the receiving agency, requiring recommendation on the suitability of the placement plan.

HANDBOOK ENDS HERE

- .33 A home study shall be required for every proposed placement. The California sending agency shall not send a child out of state until it has received, from the appropriate public authority in the receiving state, an ICPC 100A (Rev. 10/91) approved in writing and a home study assessing the following:
 - .331 Amount of supervision available from the receiving agency.
 - .332 (Continued)
 - .333 (Continued)
 - .334 Appropriate information concerning the family with whom placement is to be made.

HANDBOOK BEGINS HERE

- .34 ICPC suggested procedures specify that the receiving state's appropriate public authority will notify the California sending agency of approval or disapproval of the plan for the child by completing Section IV of Form ICPC 100A (Rev. 10/91), signing and forwarding two copies of the form with all additional forms and pertinent information to the California sending agency within 30 days from the date it was received in that state.

HANDBOOK ENDS HERE

- .35 (Continued)
- .36 When the child is placed pursuant to receipt of written approval, the California sending agency shall complete Form ICPC 100B (Rev. 10/91), Interstate Compact Report on Child's Placement Status, and forward two copies to the appropriate public authority in the receiving state.
- .37 The California sending agency shall cooperate with the receiving agency in ongoing case planning for the duration of placement.
- .38 To report change in placement status:
- .381 The California sending agency shall complete ~~three copies of~~ Form ICPC 100B (Rev. 10/91), Interstate Compact Report on Child's Placement Status, and forward two copies to the appropriate public authority in the receiving state under the following circumstances:
- (a) When there is a change in the placement status of the child.
 - (b) When placement is terminated by adoption decree.
 - (c) When there is any other significant change in plans for the child.

.4 Procedures for children entering California are as follows:

- .41 The California receiving agency shall comply with the provisions of California Civil Code Sections 264 through 274.

HANDBOOK BEGINS HERE

- .42 The ICPC suggested procedures require that the sending state's appropriate public authority forward to the California receiving agency:

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- .421 Copies of the signed Form ICPC 100A (Rev. 10/91).
- .422 Copies of applicable legal documents such as court orders, and summaries of significant information on the child to be placed and the prospective foster or relative family.

HANDBOOK ENDS HERE

- .43 Upon receipt of a Form 100A (Rev. 10/91) from the sending state's appropriate authority, the California receiving agency shall complete a home study with a recommendation on the suitability of the placement plan. A home study shall be required for every proposed placement and shall be made to assess the following:
 - .431 Amount of supervision available from the California receiving agency.
 - .432 (Continued)
 - .433 (Continued)
 - .434 Appropriate information concerning the family with whom placement is to be made.
- .44 The California receiving agency shall notify the sending state's appropriate public authority of approval or disapproval of the plan for the child by completing Section IV of Form ICPC 100A (Rev. 10/91) and forwarding two copies of the form with all additional forms and pertinent information to the sending state's appropriate public authority.
- .45 Prior to placement, the California receiving agency shall assure that a financial plan has been developed for the child, in cooperation with the sending agency. Upon agreement, the California receiving agency shall verify its acceptance of the plan, in writing. Nothing in this section shall be construed as providing entitlement to public social services or aid payments for which the child is not otherwise eligible.

HANDBOOK BEGINS HERE

- .46 When the child is placed:
 - .461 ICPC suggested procedures require that:

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- (a) The sending agency shall complete Form ICPC 100B (Rev.10/91), Interstate Compact Report on Child's Placement Status, forward copies to the sending state's appropriate public authority.
- (b) The sending state's appropriate public authority shall sign and forward copies of the form to the California receiving agency.

HANDBOOK ENDS HERE

- .47 The California receiving agency shall cooperate with the sending agency in ongoing case planning for the duration of placement.

HANDBOOK BEGINS HERE

- .48 To report a change in placement status:
- .481 ICPC suggested procedures require that the sending agency shall complete the "Interstate Compact Report on Child's Placement Status", Form ICPC 100B (Rev. 10/91), and forward copies to the California receiving agency under the following circumstances:
 - (a) When there is a change in the placement status of the child.
 - (b) When placement is terminated by adoption decree.
 - (c) When there is any other significant change in plans for the child.
 - .482 The sending state's appropriate public authority shall forward copies of the ICPC 100B (Rev. 10/91) to the California receiving agency.

HANDBOOK ENDS HERE

- .5 (Continued)
- .6 (Continued)
- .7 Required forms include the following:

- .71 Interstate Compact Placement Request, Form ICPC 100A (Rev. 10/91).
- .72 Interstate Compact Report on Child's Placement Status, Form ICPC 100B (Rev. 10/91).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10800, Welfare and Institutions Code; and Section 265,
Civil Code.

- (a) (1) "Appropriate Public Authority" means the state's Interstate Compact Administrator.
- (b) (Reserved)
- (c) (1) "California Agency" means an SDSS Adoptions district office or a licensed public or private adoption agency.
- (d) (Reserved)
- (e) (Reserved)
- (f) (Reserved)
- (g) (Reserved)
- (h) (Reserved)
- (i) (1) "ICPC" means Interstate Compact on the Placement of Children.
 - (2) "ICPC 100A (Rev. 10/91)" means the SDSS form "Interstate Compact Placement Request."
 - (3) "ICPC 100B (Rev. 10/91)" means the SDSS form "Interstate Compact Report on Child's Placement Status."
- (j) (Reserved)
- (k) (Reserved)
- (l) (Reserved)
- (m) (Reserved)
- (n) (Reserved)
- (o) (Reserved)
- (p) (1) "Party State" means a state which is a member of the Interstate Compact on the Placement of Children.
 - (2) "Placement" means the arrangement for the care of a child in a family that has been studied and approved for adoption or has had a preplacement interview completed by a licensed adoption agency.
 - (3) "Prospective Adoptive Parent" is defined at Civil Code Section 220.20(p).

HANDBOOK BEGINS HERE

- (A) The content of Civil Code Section 220.20(p) is located at Section 35000(p)(8).

HANDBOOK ENDS HERE

(q) (Reserved)

(r) (1) "Receiving Agency in the Independent Adoptions Program" means the person(s) who is designated to receive a child from another party state with the intention of filing a petition to adopt that child.

(2) "Receiving Agency in the Relinquishment Adoptions Program" means a licensed adoption agency or SDSS Adoptions district office that is designated to receive any child from another party state for the purpose of adoption.

(s) (1) "SDSS" means the State Department of Social Services.

(2) "Sending Agency in the Independent Adoptions Program" means the birth parent(s) who sends, brings, or causes to be sent or brought any child to another party state for the purpose of adoption.

(3) "Sending Agency in the Relinquishment Adoptions Program" means a licensed adoption agency or SDSS Adoptions District Office that sends, brings, or causes to be sent or brought any child to another party state for the purpose of adoption.

(t) (Reserved)

(u) (Reserved)

(v) (Reserved)

(w) (Reserved)

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16100, Welfare and Institutions Code; Section 1502, Health and Safety Code; and Section 265, Civil Code.

Amend Section 35401(b) (2) (A) to read:

35401 CHILDREN LEAVING CALIFORNIA

35401

(a) To initiate a home evaluation:

- (1) The California sending agency shall summarize information about the child, complete Sections I, II and III of the ICPC 100A (Rev. 10/91), and:
 - (A) Forward the following documents to the receiving state's appropriate public authority:
 1. Two copies of the child summary, ICPC 100A (Rev. 10/91), and a home study request;
 - (i) An ICPC 100A (Rev. 10/91) must be completed for each child.
 2. Two copies of a court order establishing the jurisdiction of the sending agency, or stating that care, custody, and control of the child have been given to a licensed adoption agency because the child is an orphan;
 3. Two copies of the AD 4333 (Rev. 7/87), Acknowledgment and Confirmation of Receipt of Relinquishment Documents, establishing that the child is free for adoption, when a Civil Code Section 232 or 7017 action has been completed or the parent has relinquished the child to a licensed adoption agency. The AD 4333 (Rev. 7/87) shall be signed by a representative of SDSS;
 4. Two copies of the AD 512 (Rev. 10/90), Psychosocial and Medical History of Child, or equivalent form. The AD 512 (Rev. 10/90) shall not contain the birth name of the child to be adopted or the name(s) of the birth parent(s). The AD 512 (Rev. 10/90), or equivalent form, shall be signed by the child's adoption worker and the prospective adoptive parent(s) and shall be dated;
 5. Two copies of a statement indicating how the child's financial and medical needs will be met while in the preadoptive placement, including the child's eligibility for the Adoption Assistance Program (AAP);
 6. Two signed copies of a written authorization for the prospective adoptive parent(s) to secure medical treatment for the child pending adoption;

7. Two copies of background information on the prospective adoptive parent(s), if available, and their relationship to the child; and
8. Two copies of a family assessment if already submitted to the California sending agency by the adoption agency in the receiving state.

HANDBOOK BEGINS HERE

- (2) The receiving state's appropriate public authority shall return approved or disapproved copies of the ICPC 100A (Rev. 10/91) and the completed home study to the California sending agency.

HANDBOOK ENDS HERE

- (b) To place a child in a home which has been approved in writing by the receiving state:
 - (1) The California sending agency shall make the arrangements for and complete the placement directly with the adoption agency in the receiving state.
 - (2) The California sending agency shall complete:
 - (A) ~~Three copies of~~ the ICPC 100B (Rev. 10/91) and forward two copies to the appropriate public authority in the receiving state; and
 - (B). Two copies of all legal and other pertinent documents not previously submitted to the receiving state's appropriate public authority.

HANDBOOK BEGINS HERE

1. Pertinent documents include those documents listed at Section 35401(a)(1)(A).

HANDBOOK ENDS HERE

- (c) To place a child when an approved home study by a receiving state's adoption agency has been previously exchanged with the California sending agency:
 - (1) The California sending agency shall forward to the appropriate public authority in the receiving state:
 - (A) Four copies of the completed ICPC 100A (Rev. 10/91);
 1. An ICPC 100A (Rev. 10/91) must be completed for each child.

- (B) Two copies of the approved home study and all legal and other pertinent documents not previously submitted to the receiving state.

HANDBOOK BEGINS HERE

1. Pertinent documents include those documents listed at Section 35401(a)(1)(A).
- (2) The receiving state's appropriate public authority shall return the ICPC 100A (Rev. 10/91) to the California sending agency indicating approval or disapproval of the placement.

HANDBOOK ENDS HERE

- (3) When the placement has been approved in writing by the receiving state, the California sending agency shall proceed in accordance with Section 35401(b) above.

HANDBOOK BEGINS HERE

- (d) After placement, the receiving state's appropriate public authority shall forward supervisory reports, as indicated on the ICPC 100A (Rev. 10/91), directly to the California sending agency.

HANDBOOK ENDS HERE

- (e) To request continued supervision for those cases in which placement has been made in California and the child and family subsequently move to another party state before the adoption is final:

- (1) The California sending agency shall forward to the appropriate public authority in the receiving state:
 - (A) Four copies of the completed ICPC 100A (Rev. 10/91),
 1. An ICPC 100A (Rev. 10/91) must be completed for each child.
 - (B) Two copies of the home study, child study, summary of supervisory reports, and legal and other pertinent documents.

HANDBOOK BEGINS HERE

1. Pertinent documents include those documents listed at Section 35401(a)(1)(A).

HANDBOOK ENDS HERE

- (2) The California sending agency shall request the receiving state's adoption agency to advise the family of the requirements necessary for completion of the adoption.

HANDBOOK BEGINS HERE

- (3) The receiving state's appropriate public authority shall return copies of the ICPC 100A (Rev. 10/91) to the California sending agency indicating approval or disapproval of the placement.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Section 16100, Welfare and Institutions Code; Section 1502, Health and Safety Code; and Sections 265 and 267, Civil Code.

- (a) When a home evaluation request is submitted to a California receiving agency from a sending party state:
- (1) The California receiving agency shall obtain in cooperation with the sending state's appropriate public authority the following documents:
 - (A) Copies of the home study request and the ICPC 100A (Rev. 10/91);
 1. An ICPC 100A (Rev. 10/91) must be completed for each child.
 - (B) Copies of a court order establishing jurisdiction of the sending agency, or stating that care, custody, and control of the child have been given to a licensed adoption agency because the child is an orphan;
 - (C) Copies of a court order terminating parental rights or a relinquishment of the child to an adoption agency, establishing that the child is free for adoption;
 - (D) Copies of the AD 512 (Rev. 10/90), Psychosocial and Medical History of Child, or equivalent form. The AD 512 (Rev. 10/90) shall not contain the birth name of the child to be adopted or the name(s) of the birth parent(s). The AD 512 (Rev. 10/90), or equivalent form, shall be signed by the child's adoption worker and the prospective adoptive parent(s) and shall be dated;
 - (E) Copies of a statement indicating how the child's financial and medical needs will be met while the child is in the preadoptive placement, including the child's eligibility for the Adoption Assistance Program (AAP);
 - (F) Signed copies of written authorization for the prospective adoptive parent(s) to secure medical treatment for the child pending adoption;
 - (G) Copies of background information on the prospective adoptive parent(s), if available, and their relationship to the child.
 - (2) The California receiving agency shall complete the home study and forward the home study report directly to the sending state's appropriate public authority.
 - (3) The California receiving agency shall state on the ICPC 100A (Rev. 10/91) approval or disapproval of the placement, based upon the home study, and forward the ICPC 100A (Rev. 10/91) to the sending state's appropriate public authority with a copy to the sending agency.

- (b) To place a child in a home which has an approved home study by a California receiving agency:
- (1) The California receiving agency shall make the arrangements for and complete the placement directly with the sending agency.
 - (2) Upon completion of placement, the California receiving agency shall require a completed copy of the ICPC 100B (Rev. 10/91) from the sending state's appropriate public authority.
- (c) To place a child when an approved home study by a California receiving agency has been previously exchanged with the sending agency:
- (1) The California receiving agency shall require that the sending state's appropriate public authority shall submit those documents listed at Section 35403(a)(1)(A) through (G).
 - (2) The California receiving agency shall return the approved or disapproved ICPC 100A (Rev. 10/91) to the sending state's appropriate public authority .
 - (3) When the California receiving agency has received the ICPC 100A (Rev. 10/91) approving placement, the agency shall proceed in accordance with Section 35403(b) above.
- (d) The California receiving agency providing supervision shall forward supervisory reports, as indicated on the ICPC 100A (Rev. 10/91), directly to the sending state's appropriate public authority.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Section 16100, Welfare and Institutions Code; Section 1502, Health and Safety Code; and Sections 265 and 267, Civil Code.

(a) The following provisions apply to the birth parent(s).

- (1) Only the birth parent(s) may make adoptive placement plans for his/her child.
- (2) The birth parent(s) is considered the sending agency.
- (3) The birth parent(s) remains financially responsible for the child until the adoption is made final.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16100, Welfare and Institutions Code and Sections 224.20 and 265, Civil Code.

(a) The California agency [because California is the state where the birth parent(s) lives] shall request the birth parent(s) to submit the ICPC 100A (Rev. 10/91) for forwarding to the receiving state's appropriate public authority (the state where the prospective adoptive parent(s) lives) the following documents:

- (1) Four copies of the completed ICPC 100A (Rev. 10/91).
 - (A) An ICPC 100A (Rev. 10/91) must be completed for each child.
- (2) Two copies of a family history including, but not limited to, the following: (Continued)
- (3) Two copies of a statement by the birth parent(s) that confirms the plan for adoptive placement and meets the requirements of Civil Code Sections 220.20(m) and 220.20(o).

HANDBOOK BEGINS HERE

- (A) The content of Civil Code Section 220.20(m) is located at Section 35000(p) (4) (A).
- (B) The content of Civil Code Section 220.20(o) is located at Section 35000(p) (6) (A).

HANDBOOK ENDS HERE

- (4) Two copies of a statement by the birth parent(s) that indicates how the financial and medical needs of the child will be met while the child is in the preadoptive placement.
 - (5) Two signed copies of a written authorization for the adoptive parent(s) to secure medical treatment for the child pending adoption.
- (b) The California agency shall notify the birth parent(s) of the receiving state's decision pursuant to receipt and review of the documents in Section 35407(a).
- (c) After the placement request has been approved in writing and the placement made, the California agency shall request the birth parent(s) to complete and forward to the appropriate public authority in the receiving state:
- (A) Four copies of the ICPC 100B (Rev. 10/91).
 - (B) Three copies of all legal and other pertinent documents not previously submitted to the receiving state's appropriate public authority.

HANDBOOK BEGINS HERE

1. Pertinent documents include those documents listed at Section 35407(a).
- (d) Before the child may enter the receiving member state, a preplacement interview shall be held with the prospective adoptive parent(s) by an agency, organization or person designated by the receiving state's appropriate public authority. The interview shall be to assure that the planned placement is not contrary to the interests of the child.
 - (1) If the child is unborn and placement is planned shortly after birth, the receiving state's appropriate public authority shall be notified of the proposed placement at least 30 days prior to the expected birth to allow time for the preplacement interview.
- (e) Upon receipt of the information required in (a) above and completion of the preplacement interview:
 - (1) The receiving state's appropriate public authority shall approve or deny on the ICPC 100A (Rev. 10/91) the request for placement and return it to the California agency.
 - (2) The prospective adoptive parent(s) shall be notified of the decision by the receiving state.

HANDBOOK ENDS HERE

- (f) If prospective adoptive parent(s) moves from California to another member state before an independent adoption is completed, the SDSS Adoptions district office or delegated California adoption agency which has had the responsibility for investigating the independent adoption shall:
 - (1) Send two copies of a summary of information on the child and family history to the receiving state's appropriate public authority, i.e., the state to which they are moving, indicating that four copies of the ICPC 100A (Rev. 10/91) are being submitted by the birth parent(s).
 - (A) The information on the child and the family history shall include, but is not limited to, the following:
 1. Composition of the family;
 2. Marital status of the parents;
 3. Age, physical appearance, religion, personality, and mental and physical disabilities;
 4. School and employment history;
 5. Reason for placement in other state;

6. Medical information on the child.

- (2) Request the birth parent(s) to complete and forward to the appropriate authority in the receiving state:
- (A) Four copies of the ICPC 100B (Rev. 10/91).
 - (B) Three copies of all legal and other pertinent documents not previously submitted to the receiving state's appropriate public authority.

HANDBOOK BEGINS HERE

1. Pertinent documents include those documents listed at Section 35407(a).

HANDBOOK ENDS HERE

- (3) The California agency shall sign and forward the ICPC 100A (Rev. 10/91) to the receiving state's appropriate public authority.

HANDBOOK BEGINS HERE

- (4) The receiving state's appropriate public authority shall indicate approval or disapproval on the ICPC 100A (Rev. 10/91) and return it to the California agency.

HANDBOOK ENDS HERE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16100, Welfare and Institutions Code and Sections 220.20(m), 220.20(o), 224.20, and 265, Civil Code.

- (a) The California agency shall request the birth parent(s) to furnish the following information through the appropriate public authority in the sending state to the California agency:
- (1) Copies of the completed ICPC 100A (Rev. 10/91).
 - (A) An ICPC 100A (Rev. 10/91) must be completed for each child.
 - (2) Copies of a family history including, but not limited to, the following: (Continued)
 - (3) Copies of a statement by the birth parent(s) that confirms the plan for adoptive placement and meets the requirements of Civil Code Sections 220.20(m) and 220.20(o).

HANDBOOK BEGINS HERE

- (A) The content of Civil Code Section 220.20(m) is located at Section 35000(p)(4)(A).
- (B) The content of Civil Code Section 220.20(o) is located at Section 35000(p)(6)(A).

HANDBOOK ENDS HERE

- (4) Copies of a statement that indicates how the financial and medical needs of the child will be met while the child is in the preadoptive placement.
 - (5) Signed copies of a written authorization for the prospective adoptive parent(s) to secure medical treatment for the child.
- (b) Before a child is permitted to enter California, the prospective adoptive parent(s) must either:
- (1) Have a preplacement interview completed by an SDSS Adoptions district office or an adoption agency delegated responsibility by the SDSS for making studies and reports to the court on independent adoptions; or
 - (A) If the child is unborn and placement is planned shortly after birth, the California agency shall be notified of the proposed placement at least 30 days prior to the expected birth to allow time for the preplacement interview.
 - (2) Obtain an independent adoption preplacement assessment in accordance with the requirements of the Independent Preplacement Program.

HANDBOOK BEGINS HERE

- (A) The Independent Preplacement Program regulations are located at Sections 35127.1 and 35127.2.

HANDBOOK ENDS HERE

- (B) The birth parent(s) shall submit a copy of the independent preplacement assessment with the ICPC 100A (Rev. 10/91).
- (c) Upon receipt of the information required in (a) above and completion of the preplacement interview:
- (1) The California agency shall approve or deny on the ICPC 100A (Rev. 10/91) the request for placement and return it to the sending agency and the sending state's appropriate public authority.
 - (2) The prospective adoptive parent(s) shall be notified of the decision by the California agency.
 - (3) The California agency shall request the birth parent(s) to complete and send through the appropriate public authority in the sending state to the California agency:
 - (A) Copies of the ICPC 100B (Rev. 10/91).
 - (B) Copies of all legal and other pertinent documents not previously submitted to the receiving state's appropriate public authority.

HANDBOOK BEGINS HERE

1. Pertinent documents include those documents listed at Section 35407(a).

HANDBOOK ENDS HERE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16100, Welfare and Institutions Code and Sections 220.20(m), 220.20(o), 224.20, 224.50, 265, and 267, Civil Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

MAR 9 1992

At 4:14 o'clock P. M.
MARZ GARCIA EU, Secretary of State
By Don M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0127-05

Marz Garcia

MARZ, GARCIA
Director

03/09/92

NONSUBSTANTIVE NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD 400 (REV. 7-90)

(See instructions on reverse)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		92-0205-03-11		

For use by Office of Administrative Law (OAL) only

1992 FEB 25 10 21 AM
ENDORSED
APPROVED FOR FILING
OFFICE OF
ADMINISTRATIVE LAW
MAR 10 1992
Office of Administrative Law

FILED
In the office of the Secretary of State
of the State of California

MAR 10 1992

At 4:06 o'clock P.M.
MARCH FONG EU, Secretary of State
By Ann M. Manassero
Deputy Secretary of State

AGENCY	REGULATIONS
STATE DEPARTMENT OF SOCIAL SERVICES	AGENCY FILE NUMBER (if any) RDB #0192-01

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER		PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND
	80019, 87019, 87219, 87819, and 101170.
TITLE(S) 22	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☒ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau	TELEPHONE NUMBER 657-2586
---	------------------------------

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy
TYPED NAME AND TITLE OF SIGNATORY
JOHN D. HEALY, INTERIM DIRECTOR

DATE

2/9/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READoption

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 80019 to read:

80019 CRIMINAL RECORD CLEARANCE

80019

(a) (Continued)

(b) (Continued)

(c) (Continued)

- (1) Completed fingerprint card shall be submitted to the ~~Licensing Agency~~
Department of Justice as specified in Health and Safety Code Section
1522(c).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1522, 1531 and 14564, Health and Safety Code.

Amend Section 87019 to read:

87019 CRIMINAL RECORD CLEARANCE

87019

(a) (Continued)

(b) All persons subject to criminal record review shall submit a completed fingerprint card to the ~~Licensing Agency~~ Department of Justice as specified in Health and Safety Code Section 1522(c).

Authority Cited: Sections 1530 and 1530.5, Health and Safety Code.

Reference: Sections 1522 and 1531, Health and Safety Code.

Amend Section 87219 to read:

87219 CRIMINAL RECORD CLEARANCE

87219

(a) (Continued)

(b) (Continued)

(c) (Continued)

(1) (Continued)

(2) Completed fingerprint card(s) shall be submitted to the ~~licensing agency~~ Department of Justice within 20 days following employment, residence, or initial presence in the facility.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Section 1569.17, Health and Safety Code; and Section 42001, Vehicle Code.

Amend Section 87819 to read:

87819 CRIMINAL RECORD CLEARANCE

87819

(a) (Continued)

(1) (Continued)

(2) (Continued)

(3) The licensee shall submit completed fingerprint cards to the Department of Justice not later than four calendar days following a person's employment, residence, or initial presence in the facility.

Authority Cited: Section 1568.072, Health and Safety Code.

Reference: Sections 1568.072 and 1568.09, Health and Safety Code.

Amend Section 101170 to read:

101170 CRIMINAL RECORD CLEARANCE

101170

(a) (Continued)

(b) (Continued)

(c) (Continued)

- (1) Completed fingerprint card(s) shall be submitted to the ~~Licensing agency~~ Department of Justice as specified in Health and Safety Code, Section 1596.871(c).

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.81(b) and 1596.871, Health and Safety Code; and Section 42001, Vehicle Code.

OFFICE OF ADMINISTRATIVE LAW

FILED
In the office of the Secretary of State
of the State of California

CERTIFICATION

OF

MAR 10 1992

APPROVAL

At 4:06 o'clock P. M.
MARCO ANTONIO EU, Secretary of State
By Ann M. Marasero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0205-03



MARZ GARCIA
Director

03/10/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

AGENCY
STATE DEPARTMENT OF SOCIAL SERVICES(See instructions on
reverse)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER 92-0207-04C	EMERGENCY NUMBER	AGENCY FILE NUMBER (if any) RDB# 0991-42
			PREVIOUS REGULATORY ACTION NUMBER 91-1018-03E	

For use by Office of Administrative Law (OAL) only

1992 FEB -7 PM 3:35
OFFICE OF
ADMINISTRATIVE LAW

FILED

In this office of the Secretary of State
of the State of California

MAR 19 1992
At 4:12 o'clock P.M.
MARCH FONG EU, Secretary of State
By *[Signature]*

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT 63-099
SECTIONS AFFECTED	AMEND 63-301.544, .545, .546, .547, .548 and .549
	REPEAL

2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))
- ☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☒ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal
- ☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Asst. Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2587

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

[Signature]
JOHN D. HEALY, INTERIM DIRECTOR

DATE

2/4/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

63-099 IMPLEMENTATION OF DISCONTINUANCE EXCEPTION FOR POSTPONED
VERIFICATION IN EXPEDITED SERVICES HOUSEHOLDS

63-099

- .1 Effective November 1, 1991 the CWDs shall implement the amended and adopted provisions. The sections affected are 63-301.544; .545; .546; .547; .548; and .549.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code.

.5 Expedited Service (Continued)

.54 Special Procedures for Expediting Service (Continued)

.541 through .543 (Continued)

.544 Households that are certified on an expedited basis and whose verification is postponed shall be assigned certification periods as follows:

(a) One-Month Certification

Nonmonthly reporting households that apply on or before the 15th day of the calendar or fiscal month shall be certified for one month only.

(1) (Continued)

(2) (Continued)

(b) Longer Than One-Month Certification

(1) Nonmonthly reporting households applying after the 15th day of the calendar or fiscal month shall be certified only for the month of application, and the subsequent month.

(2) Monthly reporting households shall be assigned a normal certification period as specified in Section 63-504.1.

.545 When a certification period of longer than one month is assigned, the CWD shall notify the household, in writing that:

(a) No further benefits will be issued until the postponed verification is completed and the household's participation shall be terminated if the verification for income, resources or any deduction is not completed within 30 days following the date the application was filed.

- (1) Migrant households shall receive the second months benefits if the only missing verification is from an out-of-state source. However, the out-of-state verification shall be completed within 60 days following the date the application was filed or if not the household's participation shall be terminated.
 - (b) The individual household member's participation shall be terminated if proof of alien or student status has not been provided or if a SSN or proof that one has been applied for has not been provided within 30 days following the date the application was filed. Benefits to the remaining household members shall be recalculated and issued as otherwise eligible.
 - (1) Migrant household members shall be treated as specified in Section 63-301.545(a)(1), if the missing verification is from an out-of-state source.
 - (c) If verification results in changes in the household's eligibility or level of benefits, the CWD shall act on those changes without advance notice.
- .546 (Continued)
- .547 Migrant farmworker households shall be entitled to postpone out-of-state verification only once each migrant farm season.
- (a) (Continued)
 - (b) (Continued)
- .548 (Continued)
- .549 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2, 7 CFR 273.2(h)(1)(C), (i)(4)(iii)(B), (j), (j)(1), (j)(1)(iv), and (j)(2)(iii), 7 CFR 273.10(c)(1), 7 CFR 274.2 and Court Order re: Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal Feb. 1, 1990) [Dock. No. CV-89-0768].

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0207-04



MARZ GARCIA
Director

03/19/92

NOTICE-PUBLICATION REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

AGENCY

(See instructions on reverse)

For use by Secretary of State only

State Department of Social Services				AGENCY FILE NUMBER (if any) 0192-04	
OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 92-0316-02E	PREVIOUS REGULATORY ACTION NUMBER	
For use by Office of Administrative Law (OAL) only					
			ISSUED MAR 15 PM 4:35 OFFICE OF ADMINISTRATIVE LAW ENDORSED APPROVED FOR FILING MAR 23 1992 Office of Administrative Law		
			NOTICE REGULATIONS		

FILED
in the office of the Secretary of State
for the State of California

MAR 23 1992

At 4:21 o'clock P.M.

W. HONG EU, Secretary of State

by Ann M. Manassero
County Clerk of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER			
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER		PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT	63-010
SECTIONS AFFECTED	AMEND	63-502.357 ² (b)
	REPEAL	

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☐ Effective on filing with Secretary of State
 ☒ Effective other (Specify) April 1, 1992

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

James W. Rhoads, Asst. Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

DATE

3/15/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 63-010 to read:

63-010 IMPLEMENTATION OF THE \$20 STANDARD TELEPHONE ALLOWANCE

63-010

.1 Section 63-502.352(b), as amended herein, shall become effective April 1, 1992.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 272.1.

Amend MPP Section 63-502.353(b) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued)

63-502

.3 Income Deductions (Continued)

.35 Shelter Costs (Continued)

.352 Standard Utility Allowance (SUA)

(a) (Continued)

- (b) A standard telephone ~~deduction~~ allowance of \$~~20~~ shall be used only in instances where the household has a telephone and is not entitled to the SUA. If the household's actual telephone service fee is greater than the ~~the~~ standard ~~telephone deduction~~ allowance, and it represents the lowest available rate to the household, the household may request to have the actual service fee used. The household must be able to verify the actual cost claimed. Failure to have a telephone will not preclude use of the full SUA.

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code/; Public Law 101-201/; P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 100-77/; ~~and~~ 7 CFR 273.7(f)/; 7 CFR 273.9(c)(iv)(B)/; 7 CFR 273.9(c)(i)(F)/; 7 CFR 273.9 (d)(1) through (5)/; 7 CFR 273.9(d)(6)(v)(C) and (vii)/; ~~and~~ (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal Feb. 1, 1990) _____ F. Supp. _____ [Dock. No. CV-89-0768].); P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

(See instructions on
reverse)

For use by Secretary of State only

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

0192-04

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

92-0316-02E

For use by Office of Administrative Law (OAL) only

1992 MAR 16 PM 4:36

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

MAR 23 1992

Office of Administrative Law

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other <input type="checkbox"/>		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT	63-010
SECTIONS AFFECTED	AMEND	63-502.357(b)
	REPEAL	

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☐ Effective on filing with Secretary of State
 ☒ Effective other (Specify) April 1, 1992

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

James W. Rhoads, Asst. Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

3/15/92

Adopt Section 63-010 to read:

63-010 IMPLEMENTATION OF THE \$20 STANDARD TELEPHONE ALLOWANCE

63-010

.1 Section 63-502.352(b), as amended herein, shall become effective April 1, 1992.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 272.1.

Amend MPP Section 63-502.353(b) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued)

63-502

.3 Income Deductions (Continued)

.35 Shelter Costs (Continued)

.352 Standard Utility Allowance (SUA)

(a) (Continued)

- (b) A standard telephone ~~deduction~~ allowance of \$~~20~~ shall be used only in instances where the household has a telephone and is not entitled to the SUA. If the household's actual telephone service fee is greater than the ~~the~~ standard ~~telephone deduction allowance~~, and it represents the lowest available rate to the household, the household may request to have the actual service fee used. The household must be able to verify the actual cost claimed. Failure to have a telephone will not preclude use of the full SUA.

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code/; Public Law 101-201/; P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 100-77/; ~~and~~ 7 CFR 273.7(f)/; 7 CFR 273.9(c)(iv)(B)/; 7 CFR 273.9(c)(i)(F)/; 7 CFR 273.9 (d)(1) through (5)/; 7 CFR 273.9(d)(6)(v)(C) and (vii)/; ~~and~~ (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal Feb. 1, 1990) _____ F. Supp. _____ [Dock. No. CV-89-0768].); P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

MAR 23 1992

At 4:21 o'clock P M.

MARC: DONG EU, Secretary of State

By Ann M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0316-02



MARZ GARCIA
Director

03/23/92

REGULAR SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 1/81)

AGENCY

AGENCY FILE NUMBER (if any)

RDB #0791-34

Department of Social Services

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-91-0924-01	REGULATORY ACTION NUMBER 92-0221-023	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only

1992 FEB 21 PM 2:41

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

APR 01 1992

Office of Administrative Law
REGULATIONS

NOTICE

FILED

In the office of the Secretary of State
of the State of California

APR 1 1992

At 4:23 o'clock P.M.

MARCH FONG ELL, Secretary of State

By Ann M. Manassero
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 91-#40-2	PUBLICATION DATE 10-11-91

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT MPP Division 63, Sections 63-098 and 502.36
SECTIONS AFFECTED	AMEND Division 63, Sections 63-502.3, .31 through .35, 503.442 and .452 REPEAL

2. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify) May 1, 1992

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy
TYPED NAME AND TITLE OF SIGNATORY
John D. Healy, Interim Director

DATE

FEB 20 1992

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 63-098 to read:

63-098 IMPLEMENTATION OF REVISED PRORATION METHODOLOGY FOR SHARED
LIVING ARRANGEMENTS

63-098

- .1 Effective May 1, 1992, the CWDs shall implement the adopted and amended provisions in MPP Sections 63-502.3, .31, .32, .33, .34, .35, .351, .352, .353, and .36 and 63-503.442(c) and .452. Continuing cases shall be converted to these provisions when the case is reviewed next or at recertification, whichever occurs first.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code; and 7 CFR 273.9(d)(6)(viii).

Amend Section 63-502.3; amend and reformat Sections 63-502.31, .32, .33, .34, and .35; and adopt Section 63-502.36 to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued)

63-502

.3 Income Deductions

The CWDs shall ~~determine~~ allow the income deductions contained in this section when determining the Food Stamp household's net income eligibility and benefit level pursuant to the deductions contained in this section. The standard deduction, excess medical ~~costs~~ deduction, homeless standard shelter allowance, and the excess shelter deduction are: promulgated and updated by the USDA; published, as specified in 7 CFR 273.9(d)(1), (3), and (5); and to be implemented upon their effective date. The amounts for the earned income deduction and the dependent care deduction for nonelderly households are determined by federal law and published by the USDA in 7 CFR 273.9(d)(2) and (4), respectively. The current amounts are reproduced in Handbook Section 63-1101. Deductions shall be allowed only for the following ~~household expenses~~:

.31 Standard Deduction

The standard deduction is ~~allowed~~ on a per household, per month basis.

.32 Earned Income Deduction

The earned income deduction is ~~a~~ percentage of gross earned income as defined in Section 63-502.1. Earnings excluded in Section 63-502.2 shall not be included in gross earned income for purposes of computing the earned income deduction.

.33 Excess Medical ~~Costs~~ Deduction

The ~~Excess~~ medical ~~costs~~ are deduction is the portion of medical expenses in excess of the allowable amount per month ~~specified in Handbook Section 63-1101~~, excluding special diets, incurred by any household member who is elderly or disabled as defined in Section 63-102(e). Spouses or other persons receiving benefits as a dependent of the disability recipient are not eligible to receive this deduction.

.331 (Continued)

.34 Dependent Care Deduction

The dependent care deduction is ~~payments/ not exceeding the maximum dependent care deduction/ for the actual costs not to exceed the maximum dependent care deduction for the care of a child or other dependent. when necessary for a household member to/~~

.341 The dependent care cost shall be allowed as a deduction when necessary for a household member to:

(a) Accept or continue employment;

~~1342~~(b) (Continued)

~~1343~~(c) (Continued)

.342 If the Food Stamp eligible household member(s) shares dependent care costs with others, the household's deduction amount shall be determined as specified in Section 63-502.36.

.35 Excess Shelter ~~Costs~~ Deduction

The excess shelter deduction is Mmonthly shelter costs in excess of 50 percent of the household's income after all other applicable deductions in Sections 63-502.31, .32, .33 and .34 have been allowed. The excess shelter deduction shall not exceed the current maximum, unless the household contains a member who is elderly or disabled as defined in Section 63-102(e).

.351 If the Food Stamp eligible household member(s) shares shelter costs with others, the household's deduction amount shall be determined as specified in Section 63-502.36.

.3512 Shelter costs shall include only the following:

(a) (Continued)

(b) Continuing costs for the shelter occupied by the household, including rent, mortgage, or other continuing costs leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments. One-time deposits, such as security deposits, shall not be included as shelter costs.

(c) through (f) (Continued)

.3523 Standard Utility Allowance (SUA)

(a) Entitlement to SUA

(~~a1~~) The ~~standard utility allowance~~ (SUA) may be used in calculating shelter costs of those households which incur heating or cooling costs separate and apart from their rent or mortgage payments/. This ~~includes~~ residents of rental housing who are billed on a monthly basis by their landlords for actual usage as determined through individual metering.

(17) (A) (Continued)

(2) (Continued)

(17) If the food stamp applicant/recipient household lives with and shares utility expenses with another individual not participating in the food stamp program/ or another household participating in the food stamp program/ or both/ the SUA shall be prorated/ to determine the food stamp household's pro rata share of the SUA/ the FW shall/

(A) Determine the number of individuals not participating in the food stamp program who live with and share utility expenses with the food stamp applicant/recipient household/

(B) Identify separate food stamp households who live with and share utility expenses with the household/

(C) Find the sum of/ a) the number of individuals in No/ 1/ b) the number of household members in No/ 2/ and c) the number of household members in the applicant/recipient food stamp household/

(D) Divide the number of food stamp applicant/recipient household members by the sum in No/ 3/

(E) Multiply the SUA by the factor determined in No/ 4/ The food stamp household's pro rata share of the SUA has been determined/

(43) When two or more Food Stamp eligible households are in a shared living situation, the total amount of utility costs used to determine the amount of the deduction for each household shall not exceed the total amount of actual utility costs for the residence.

(A) A prorated SUA may not be used in conjunction with actual utility expenses, as the combined amount of the deductions may exceed the actual utility cost for the residence.

(54) (Continued)

(65) The prorated amount for the food stamp household shall be used in calculating shelter costs. Households living in a public housing unit or other rental housing unit which has central utility meters and are charged for only excess utility costs shall not be entitled to claim the SUA. Households not entitled to the ~~standard utility allowance~~ SUA may claim actual utility expenses for any utility which ~~if they does~~ pay separately. However, a household cannot simultaneously claim both the SUA and actual utility expenses. Verification of utility expenses shall be made as specified in accordance with Sections 63-300.516 and 63-504.341.

HANDBOOK BEGINS HERE

(6) UTILITY ALLOWANCE DECISION CHART

IF THE HOUSEHOLD (HH)

THEN....

SEPARATE RESIDENCE-SEPARATE METER

- | | | |
|----|--|---|
| 1) | Lives in a separate residence and pays heating and cooling based on its own metered usage, | Allow full SUA or actual costs, based on HH choice. |
|----|--|---|

SEPARATE RESIDENCE-SHARED METER

- | | | |
|----|--|---|
| 2) | Lives in a separate residence from another HH but shares a meter and each HH is billed a percentage of the utilities by a nonresident landlord, | Allow actual costs for both HHs. |
| 3) | Lives in a separate residence but shares utility meter, and one HH is billed for the cooling and/or heating, and the other pays a percentage of the total bill (neither HH is the landlord), | Allow full SUA or actual net costs for the HH which is billed (HHs choice), the other is allowed the actual costs. May mix SUA and actuals because of separate residence. |
| 4) | Lives in separate residence and shares the meter - HH #1 billed for heating and HH #2 for cooling, | Allow full SUA or actual costs for each HH. May mix because of separate residence. |

N
E
W

N
E
W

SHARED RESIDENCE

- | | | |
|----|--|---|
| 5) | Shares a residence, shares billed expenses and amount of share is unknown, | Allow prorated SUA or prorated actuals for both HHs. Cannot mix. |
| 6) | Shares a residence and one HH is billed for the heating and the other is billed for cooling, or each pays a percentage of the utility bills, | Allow prorated SUA or prorated actuals for both HHs. Cannot mix. |
| 7) | Shares a residence - HH #1 is billed and HH #2 pays a flat amount to HH #1 for utilities separate from rent (neither HH is landlord), | Allow SUA, minus the flat amount, for HH #1 and the flat amount for HH #2 or actuals for both. |
| 8) | Shares a residence - HH #1 is billed for utilities and HH #2 pays rent including utilities, | Allow full SUA or actuals for HH #1 (HH's choice). Allow actual housing costs (rent) and no separate utilities for HH #2. |

LANDLORD/TENANT

- | | | |
|----|---|--|
| 9) | Lives in a residence with another HH and HH #1 is the landlord and is billed for the utilities and HH #2 is the tenant and pays a flat rate or percentage for utilities separate or combined with rent, | Allow full SUA or actuals for HH #1 (HH's choice). HH #2 is allowed the actual costs regardless of whether HH #1 is participating in the Food Stamp Program. |
| | | Note: Amount paid by HH #2 to HH #1 (landlord) will be treated as self-employment income. |

HOMELESS HOUSEHOLDS

- | | | |
|-----|--|----------------------|
| 10) | Receives Homeless Standard Shelter Allowance | Not entitled to SUA. |
|-----|--|----------------------|

HANDBOOK ENDS HERE

(b), (c), (d) and (e) (Continued)

.36 Shared Living Expenses

Shared living expenses include allowable shelter, utility and/or dependent care expenses which the Food Stamp eligible household member(s) shares with another individual not participating in the Food Stamp Program, or another household participating in the Food Stamp Program, or both, while living in the same residence arrangements. Landlord/tenant (roomer) arrangements are not considered shared living. The Food Stamp household's deduction amount shall be determined as follows:

.361 Flat Contribution Amount

- (a) If the Food Stamp household is the contributor and pays a flat amount, the flat amount is the deduction amount.
- (b) If someone who is not an eligible member of the Food Stamp household (other than Intentional Program Violation [IPV] or workfare/work requirement sanction) shares the expense by contributing a flat amount toward the household's allowable expenses, deduct the flat amount from the total expense (or SUA if applicable) and the net amount shall be the Food Stamp household's deduction.
- (c) If someone in the household is excluded from Food Stamp Program participation because of SSN Disqualification or Ineligible Alien Status and pays the entire expense, then the expense shall be prorated as specified in Section 63-502.362, and only the Food Stamp household's pro rata share shall be counted as a deduction.

.362 Unknown Contribution Amount

If the amount of shared living expenses paid or contributed cannot be differentiated (e.g., pooled income), the expense shall be prorated and only the household's pro rata share shall be counted as a deduction. To determine the pro rata share of the expense for the Food Stamp household, the CWD shall:

- (a) Determine the number of individuals not participating in the Food Stamp Program who live with and share the expense with the Food Stamp eligible household member(s). Do not count household members who are excluded for an IPV or workfare/work requirement sanction.
 - (1) If an individual who is excluded for SSN Disqualification or Ineligible Alien Status contributes to the shared living expenses, all such excluded individuals are considered contributors and are counted, if they would otherwise be an eligible household member. In cases where ineligible aliens are also ineligible students, the alien status would

take precedence over student status. Such individuals should be considered contributors if at least one ineligible alien contributes.

(2) If a nonhousehold member, as specified in Section 63-503.45, contributes to the shared living expenses, only the nonhousehold member who actually contributes is counted.

(b) Find the sum of: the number of individuals in (a) and the number of household members in the Food Stamp eligible household, include the household members who have been excluded for IPV or workfare/work requirement sanction.

(c) Divide the total applicable expense by the total number of contributors in (b) to determine a pro rata share.

(d) Multiply the pro rata share determined in (c) by the number of Food Stamp eligible household members, plus the household members who have been excluded for IPV or workfare/work requirement sanction, to determine the household's share of the applicable expense.

HANDBOOK BEGINS HERE

(e) Formula for Proration of Deductible Expenses

ADD: Contributors not receiving food stamps
+ FS household members (include IPV and work sanction)
Total Contributors

DIVIDE: $\frac{\text{Expense}}{\text{Total Contributors}} = \text{Prorated Share of Expense}$

MULTIPLY: Prorated Share of Expense
x FS household members (include IPV and work sanction)
FS eligible household share of expense

HANDBOOK ENDS HERE

.363 Both a Flat and Unknown Contribution

If there are both a flat and an unknown contribution to the shared living expenses, the flat amount is deducted from the applicable expense(s) and a pro rata share of the balance of the expense(s) is the Food Stamp eligible household's deduction amount. The person(s) contributing the flat amount shall be excluded from the proration.

HANDBOOK BEGINS HERE

.364 EXAMPLES:

- (a) Mother - ineligible alien, no income
5 children - AFDC
1 ineligible student with income who does not contribute
Unrelated adult - ineligible alien, contributes a flat
amount toward rent and utilities.

Shelter calculation:

SUBTRACT: Rent
- Unrelated adult contribution
FS household share of rent

SUBTRACT: Utilities (SUA if applicable)
- Unrelated adult contribution
FS household share of utilities

- (b) Mother - ineligible alien, no income
5 children - AFDC - pool w/ineligible student
1 ineligible student - pools income w/AFDC
Unrelated adult - ineligible alien, contributes a flat
amount toward rent/utilities combined

Shelter Calculation:

SUBTRACT: Rent
- Unrelated adult contribution
Net rent to be prorated

DIVIDE: $\frac{\text{Net rent to be prorated}}{6 \text{ (5 AFDC and 1 ineligible student)}} = \text{Prorated net rent}$

MULTIPLY: Prorated net rent
 $\times 5 \text{ (FS eligibles)}$
FS eligible household's share of rent

DIVIDE: $\frac{\text{Utilities (SUA if applicable)}}{6 \text{ (5 AFDC and 1 ineligible student)}} = \text{Prorated net utilities}$

MULTIPLY: Prorated net utilities
 $\times 5 \text{ (FS eligibles)}$
FS eligible household's share of utilities

- (c) Mother - ineligible alien - pools income
Unrelated Adult - ineligible alien - pools income
5 children - AFDC - pooled
1 ineligible student - pools income

Shelter Calculation:

DIVIDE: $\frac{\text{Rent}}{8 \text{ (Everyone)}} = \text{Prorated share of rent}$

MULTIPLY: $\frac{\text{Prorated Share of Rent} \times 5 \text{ (FS eligibles)}}{\text{FS Household's Share of Rent}}$

DIVIDE: $\frac{\text{Utilities (SUA if applicable)}}{8 \text{ (Everyone)}} = \text{Prorated share of utilities}$

MULTIPLY: $\frac{\text{Prorated share of utilities} \times 5 \text{ (FS eligibles)}}{\text{FS household's share of utilities}}$

Dependent Care Calculation:

DIVIDE: $\frac{\text{Dependent care cost}}{8 \text{ (Everyone)}} = \text{Prorated share of dependent care cost}$

MULTIPLY: $\frac{\text{Prorated share of dependent care cost} \times 5 \text{ (FS eligibles)}}{\text{FS household's share of dependent care}}$

- (d) Mother and 4 children - AFDC (pooled w/SSI & IPV)
Father - Excluded for IPV (pools w/AFDC)
1 child - SSI (pools income w/AFDC)
Aunt - SSI (does not pool or contribute)

Shelter Calculation:

DIVIDE: $\frac{\text{Rent}}{7 \text{ (5 AFDC, 1 IPV and 1 SSI/SSP who pools income)}} = \text{Prorated net rent}$

MULTIPLY: $\frac{\text{Prorated net rent} \times 6 \text{ (FS eligibles and 1 IPV)}}{\text{FS household's share of rent}}$

DIVIDE: $\frac{\text{Utilities (SUA if applicable)}}{7 \text{ (5 AFDC, 1 IPV and 1 SSI/SSP who pools income)}} = \text{Prorated net utilities}$

MULTIPLY: $\frac{\text{Prorated net Utilities} \times 6 \text{ (FS eligibles and 1 IPV)}}{\text{FS household's share of utilities}}$

- (e) Mother Ineligible alien, w/earned income pays all shelter and dependent care costs from income pooled w/ineligible student
2 children FS eligible, their only income is deemed from mother
1 ineligible student w/income, pools w/the mother

Shelter Calculation:

DIVIDE: $\frac{\text{Rent}}{4 \text{ (everyone*)}} = \text{Prorated rent}$

MULTIPLY: $\frac{\text{Prorated Rent} \times 2 \text{ (FS eligibles)}}{\text{FS household's share of rent}}$

DIVIDE: $\frac{\text{Utilities (SUA if applicable)}}{4 \text{ (everyone*)}} = \text{Prorated utilities}$

MULTIPLY: $\frac{\text{Prorated utilities} \times 2 \text{ (FS eligibles)}}{\text{FS household's share of utilities}}$

Dependent Care Calculation:

DIVIDE: $\frac{\text{Dependent care}}{4 \text{ (everyone*)}} = \text{Prorated dependent care}$

MULTIPLY: $\frac{\text{Prorated dependent care} \times 2 \text{ (FS eligibles)}}{\text{FS household's share of dependent care}}$

- * Since a prorated share of the excluded parent's income is deemed to the Food Stamp eligible household, and a portion of that deemed income is used to pay shelter and dependent care costs, the HH is allowed a prorated share of the expenses as deductions. In addition, since the ineligible student pools his/her income, he/she is allocated a pro rata share of the expense.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference:

Section 18901, Welfare and Institutions Code, Public Law 101-201, P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 100-77 and 7 CFR 273.7(f), 7 CFR 273.9(c)(iv)(B), 7 CFR 273.9(c)(5)(i)(F), 7 CFR 273.9(d)(1) through (6), ~~777/9/4/6/7/7/7~~ 7 CFR 273.11(d)(1), and (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal Feb. 1, 1990) ____ F. Supp. ____ [Dock. No. CV-89-0768]/); P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); ~~and~~ U.S.D.A. Food and Nutrition Service Administrative Notice 91-30; and Waiver Letter WFS-100:FS-10-6-CA, dated October 2, 1990, United States Department of Agriculture, Food and Nutrition Service.

Amend and reformat Section 63-503.442 and amend Section 63-503.452 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS (Continued) 63-503

.4 Households with Special Circumstances (Continued)

.44 Treatment of Income and Resources of Excluded Members (Continued)

.442 Household Members Excluded for SSN Disqualification or Ineligible Alien Status (Continued)

(c) Deductible Expenses

(1) The earned income deduction shall apply to the prorated income earned by such excluded members which is attributed to the household.

(2) ~~That portion of~~ The household's allowable shelter and dependent care expenses which are ~~either~~ paid in their entirety by or billed to the excluded member(s) shall be prorated as specified in Section 63-502.36 divided evenly among the household's members including the excluded members and only the Food Stamp eligible member(s) pro rata share shall be counted as a deduction. All but the excluded members' share is counted as a deductible shelter expense for the remaining household members. Proration of utility expenses shall be applied when actual amounts are claimed. The standard utility allowance (SUA) shall also be prorated, if the household is using the SUA. See Section 63-502.3611.

(3) If such excluded member(s) shares allowable shelter, utility and/or dependent care expenses with the Food Stamp eligible household member(s), deduct the excluded member's contribution from the applicable expense and the net amount is the Food Stamp household's allowable deduction. If the contributed amount cannot be differentiated (e.g. pooled income), the Food Stamp household's deduction amount shall be determined as specified in Section 63-502.36.
(Continued)

.45 Nonhousehold Members (Continued)

.452 If the Food Stamp eligible household member(s) lives with and shares deductible allowable shelter, utilities and/or dependent care expenses with the nonhousehold member, only the amount actually paid or contributed by the household shall be deducted as a household expense deduct the nonhousehold member's contribution from the appropriate expense and the net amount is the Food Stamp household's allowable deduction. If the contribution cannot be differentiated (e.g., pooled income), the Food Stamp eligible household's deduction amount shall be determined as specified in Section 63-502.36. If the payments or contributions cannot be differentiated, the expenses shall be prorated evenly among persons actually paying or contributing to the expense and only the household's pro rata share deducted. When actual expenses of the remaining household members cannot be differentiated, the utility expenses shall be prorated when actual expenses are claimed. The standard utility allowance shall also be prorated if the household is using the SVA. See Section 63-502.361. (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2, 7 CFR 273.11(c)(2)(iii) and (d)(1), 7 CFR 273.11(e)(1) and (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) ____ F. Supp. ____ [Dock No. CV-89-0768]/); Waiver Letter WFS-100:FS-10-6-CA, dated October 2, 1990, United States Department of Agriculture, Food and Nutrition Service.

OFFICE OF ADMINISTRATIVE LAW

FILED
In the office of the Secretary of State
of the State of California

CERTIFICATION

OF

APPROVAL

APR 1 1992

At 4:23 o'clock P. M.
MARCH FONG EU, Secretary of State
By Ann M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0221-02



MARZ GARCIA
Director

04/01/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-81)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

RDE #0392-08

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

92-0416-01E

For use by Office of Administrative Law (OAL) only

1992 APR 16 AM 10:03

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

APR 23 1992

Office of Administrative Law

NOTICE

FILED

In the office of the Secretary of State
of the State of California

APR 23 1992

At 4:28 o'clock P. M.

MARCH FONG EU, Secretary of State

By Ann M. Manassero
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE <u>REPEAL OF TRANSFER OF PROPERTY</u>		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
<input type="checkbox"/> Other					
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT
SECTIONS AFFECTED	AMEND Section 42-219
	REPEAL Section 42-221

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
☐ Resubmittal
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
☒ Emergency (Gov. Code, § 11346.1(b))
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.
☐ Print Only
☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs., title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
☒ Effective on filing with Secretary of State
☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399)
☐ Fair Political Practices Commission
☐ State Fire Marshal
☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

DATE

4/13/92

Amend Section 42-219 to read:

**42-219 ACQUISITION AND CONVERSION OF REAL AND PERSONAL
PROPERTY**

42-219

.1 Conversions of Property

These regulations are to be applied in a flexible and reasonable manner which within the limits specified in the code, will allow the recipient a maximum freedom of choice in the acquisition, conversion, or disposition of property resources without affecting his eligibility.

Real or personal property may be acquired or converted to other forms by a recipient without affecting eligibility if the resultant holdings do not exceed the maximum allowed by the code ~~(see Section 42-221 et seq. regarding property transfers which do not result in ineligibility).~~

Payments which include compensation for property which was lost, stolen, damaged, or destroyed shall be evaluated in accordance with Section 44-105.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10554, Welfare and Institutions Code.

Repeal Section 42-221:

42-221 TRANSFER OF PROPERTY

42-221

Property, real or personal, constitutes a resource and is subject to the basic public assistance principle that resources which are actually available to the applicant or recipient must be considered in evaluating need and in determining eligibility. Since property is a resource, the transfer or assignment of property for less than the fair market value must be examined. If the property transferred would have affected the eligibility of the applicant or recipient or the amount of grant to which he was entitled, the purpose and intent of the transferor must be evaluated.

Interpretation -- The reason an applicant or recipient transferred property, i.e., his actual intent in doing so, is the single, most essential element to be considered in determining the effect of the transfer upon his eligibility. A transfer of property is, in itself, disqualifying only when the transferor's reason for making the transfer was to qualify for aid or for a greater amount of aid.

In determining the transferor's "intent" it is necessary to evaluate his stated reason for the transfer and the consistency of such statement with the known facts. The consideration received for the property transferred may not have been adequate; the transfer may have been ill advised and/or the transferor in making the transfer may have exercised poor judgment. However, these facts alone do not automatically establish that a transfer was disqualifying. The motives of the transferor must be carefully scrutinized, the important determination being the transferor's actual reason for the transfer and the relationship of that reason to his application for or continued receipt of aid.

.1 Responsibilities in Property Transfers

.11 Responsibility of Applicant/Recipient

Applicants and recipients are responsible, insofar as able, for giving all available information to assist the county in determining whether a transfer of property was made in order to qualify for aid or to qualify for a larger amount of aid. Recipients are also responsible for immediately notifying the county of any transfer which occurs after aid is granted.

Although only the person concerned can state what his intent was in transferring property, his actions can support or contradict such a statement and his real intent can be determined only by consideration of all the facts.

.12 Responsibility of County

The county is responsible for informing the applicant or recipient regarding real and personal property limitations and requirements, his rights and responsibility in relation to his property and the advisability of discussing any proposed property transfer with the county before the transfer occurs.

Interpretation -- The county can help protect the interests of the applicant by interpreting to him at the time of application, and as often as may be necessary thereafter, the purposes for which he may retain property. (See Section 42-207.)

.2 Transfers of Real or Personal Property Which Do Not Result in Ineligibility

There is a presumption that transfers made more than two years preceding the application were not for purposes of qualifying for aid or for a greater amount of aid. Other circumstances under which property transfers do not result in ineligibility are specified in the following sections:

.21 Transfer for Fair Consideration

A transfer of property in which the grantor receives fair consideration, in light of current property values, in return for his equity does not result in ineligibility provided the resultant holdings are within the maximum allowed.

.22 Transfer to Satisfy a Debt

A transfer of property to satisfy a bona fide debt or obligation in an amount which represents a reasonably adequate consideration for the grantor's equity does not result in ineligibility. Due to the mutual obligation existing between parent and child, support given to a parent is not a valid debt unless there is evidence that the child became indebted in order to render the assistance or that the assistance given otherwise resulted in undue hardship on him or his immediate family.

.23 Transfer When Foreclosure Imminent

Transfer or assignment of property when foreclosure or repossession is threatened, or when it is clear that such property cannot be retained, does not result in ineligibility unless there is evidence of collusion. When there is evidence that a grantor was unable to refinance the property due to the necessity for payment of a substantial sum on the principal or because of his advancing years and diminishing ability to make payments, the transfer may be held to involve property in which foreclosure was imminent.

Interpretation -- Even though foreclosure or repossession of property may be imminent, the recipient may be able to realize something from his equity in the property. This may be accomplished by sale of his

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equity, refinancing of the property, etc. In any event, the county should offer every assistance possible to the recipient to protect his property interest or, if the property must be disposed of, to help him in realizing the maximum return from his equity.

.24 Transfers of Separate Property of the Spouse

The transfer by a spouse of his or her separate real or personal property does not affect the eligibility of the other spouse.

.25 Transfer of Real Property With Retention of Life Estate (Eligibility Not Affected)

Real property transferred with retention of life estate is subject to the monetary limits as set forth in Section 42-207.

.251 The Home Property

Transfer of real property at any time with the retention of life estate does not result in ineligibility when the property is the home of the grantor and will continue to be utilized to meet his housing need.

The life estate agreement must be written and recorded. (See Section 42-221.34 for circumstances under which it is presumed that a transfer of property with retention of life estate results in ineligibility.)

Interpretation -- The code provides that a property transfer does not result in ineligibility provided:

- a. The transfer does not deprive the individual of the current use, enjoyment or income thereof, and
- b. The value of the property transferred would not have rendered the individual ineligible for aid.

Usually, when an individual transfers property and retains a life estate, he also retains the current use, enjoyment and income of the property. However, circumstances may change in the future. In some instances the individual may need to sell the property to finance another living plan and his ability to sell may be seriously limited because of a remainderman's interest in the property. Therefore, an applicant or recipient who considers deeding all or a portion of his real property and retaining only a life estate therein, should be urged to include in the deed the right to revoke the life estate transfer at any time during his lifetime and thus protect his right to receive the entire proceeds from sale, if this becomes necessary. Such a provision in no way prevents the remainderman from receiving the property without probate, at the time of death of the life tenant, as long as it has not been necessary for the life tenant to revoke the life estate.

An applicant or recipient cannot be required to include the right of revocation provision in the deed if he is going to be able to utilize the property as a home at the time the life estate provision is made. However, adding the right of revocation is a protection to the applicant/recipient if there is a later change in individual circumstances.

- .26 Transfer of a life estate shall be subject to the same treatment as if it were a transfer of the entire interest in the property itself. The value of the life estate shall be the same as that of the specific property involved.

.3 Transfers of Real or Personal Property Which Result in Ineligibility

Transfers of property made to qualify for aid or for greater amount of aid result in ineligibility. Circumstances under which ineligibility is presumed to exist as a result of property transfer are specified in the following sections.

.31 Transfer in Return for Life Care

A transfer of property subject to the condition that the grantee will provide full support for the grantor for the remainder of his life renders the grantor ineligible. If an enforceable contract provides for less than full support, the value of the support provided shall be considered income.

.32 Transfer for Purpose of Reducing Holdings Within Statutory Maximum

A transfer of property to reduce remaining holdings within the statutory maximum results in ineligibility. If the transfer occurred more than two years prior to the date of application for public assistance, there is a presumption that the transfer was made in good faith and not for the purpose of qualifying for aid.

.321 Applicant or Recipient Unable to Account for Disposition of Property

When an applicant or recipient claims that his property holdings have been reduced within the statutory maximum but is unable to satisfactorily account for the disposition of the property, there is a presumption that the property was transferred for the purpose of qualifying for aid.

Interpretation -- Lack of verification of all expenditures is not in itself basis for denial or discontinuance of aid provided there is no evidence of transfer to qualify or of unreported property and provided further that the applicant's or recipient's explanation of expenditures is reasonable. If there is no reasonable explanation for the disposition of property and no substantial evidence that the property is still in the applicant's or recipient's possession, there is a presumption that the property has been

transferred and that the transfer was made with intent to qualify for aid. In such case, the resulting period of ineligibility is determined as for any other property transfer with intent to qualify (see Section 42-221.4).

.33 Transfer of Real Property to Safeguard Future Eligibility Status

Even though the combined real property holdings of an applicant or recipient or the equity therein is within the statutory maximum (42-207.1), a transfer of all or a portion of such property results in ineligibility if the transfer is made to safeguard future eligibility status by divesting the applicant or recipient of proceeds which he would receive if the property were sold.

.34 Transfer of Real Property With Retention of Life Estate (Ineligibility Presumed)

There is a presumption that ineligibility results from a transfer of real property without consideration with retention of life estate if:

- a. Transfer was within two years of date of application for public assistance, and
- b. Value of personal property when added to market value of transferred property would have exceeded the maximum amount of property reserve permitted by law.

The presumption is overcome if the transferor's purpose at the time of transfer was not to avoid future ineligibility. (See Section .25 above for circumstances under which it is presumed that a transfer of property with retention of life estate does not affect eligibility.)

.35 Relinquishment of Life Estate

There is a presumption that ineligibility results from relinquishment of a life estate in real property if:

- a. The property is being utilized by the life tenant as his home, and
- b. The life tenant does not receive adequate consideration.

Unless this presumption is overcome, ineligibility results.

- .351 When the transfer of title with retention of life estate occurred two or more years prior to application for public assistance, adequate consideration for a subsequent relinquishment of the life estate is determined by applying the Internal Revenue

Service (IRS) Tax Table formula, Table A, 26 CFR Section 20.2031-7 (IRS Code) (see Handbook Interpretation below). Otherwise, adequate consideration is that which is consistent with the net sale value of the property at the time of relinquishment. If the remainderman has invested in the property, the value of the life estate would be modified by the remainderman's investment.

- .352 Adequate consideration for property is defined in terms of the total net market value of the property, this being true whether the property is disposed of in one transaction, i.e., outright sale or in two transactions, i.e., (a) transfer with retention of life estate and (b) relinquishment of the life estate to permit sale.
- .353 When an applicant or recipient receives adequate consideration for relinquishment of his life estate interest, it eliminates the presumption that relinquishment was to qualify for aid. If he does not receive adequate consideration, there is a presumption the relinquishment was to qualify for aid. However, this presumption can be refuted and when such presumption exists, the county has an obligation to go one step further and evaluate the applicant's or recipient's intent.
- .354 When it is determined that an applicant or recipient in two steps (1) transfer with retention of life estate and (2) subsequent relinquishment of the life estate, has divested himself of property the situation is treated in the same manner as it would have been if he had divested himself of the entire interest in the property in one transaction.

HANDBOOK BEGINS HERE

- .36 Internal Revenue Service Tax Table Formula, April 1, 1956.
- a. Determine the appraised value of the property.
 - b. Deduct encumbrances from the appraised value.

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- c. Ascertain from table below the factor opposite the nearest age of life tenant at time of relinquishment.

AGE	FACTOR	AGE	FACTOR
60	.74491	78	.47049
61	.73267	79	.45357
62	.72002	80	.43659
63	.70696	81	.41967
64	.69352	82	.40295
65	.67970	83	.38642
66	.66551	84	.36998
67	.65098	85	.35359
68	.63610	86	.33764
69	.62086	87	.32262
70	.60522	88	.30859
71	.58914	89	.29526
72	.57261	90	.28221
73	.55571	91	.26955
74	.53862	92	.25771
75	.52149	93	.24692
76	.50441	94	.23728
77	.48742	95	.22887

- d. Multiply the factor obtained in the above table by the figure which was obtained from Item b. For example, if the net appraised value of the unencumbered property in question is \$1,000, and if the life tenant's nearest age was 71, the value of her life estate interest in this property would be \$589.14 (\$1,000 multiplied by the 71 age factor of .58914).

HANDBOOK ENDS HERE

.37 Transfer of Income Producing Personal Property

There is a presumption that a transfer of income producing personal property is for the purpose of qualifying for a greater amount of aid. Unless this presumption is overcome, ineligibility results.

.4 Duration of Ineligibility Due to Transfer of Property

After a transfer of property which resulted in ineligibility, the period of ineligibility to public assistance begins the first day of the month following that in which the transfer occurred. This period is not extended because of income received during the period.

Aid paid to a recipient during the period of ineligibility has no effect on the period of ineligibility.

.41 Duration of Ineligibility Due to Transfer of Real Property

The duration of ineligibility due to a transfer of real property (other than that included in the allowable reserve) is the period during which a reasonable return for the grantor's equity in the property, had it been sold, would have supported the grantor and those dependent upon him. If at the time of transfer the grantor's property reserves were less than the maximum allowable (see Section 42-207.6), the amount which would have been available to support the grantor and his dependents from the property transferred is reduced by that amount which would have given him the maximum property reserve, before the period of ineligibility is computed.

.42 Duration of Ineligibility Due to Transfer of Personal Property

The duration of ineligibility due to a transfer of personal property is the period during which the amount of personal property in excess of the statutory maximum at the time of the transfer would have supported the grantor and those dependent upon him.

.43 Monthly Maintenance Allowance

The following amounts are used as the monthly maintenance allowance for an individual with and without, dependents: (A dependent is one whose major support has come from the applicant or recipient.)

1 person	\$200
1 person with spouse, or, 1 person with one dependent	300

The allowance is increased by \$100 for each additional dependent.

Allowance may also be made for the actual cost of necessary expenditures, other than normal living expenses, i.e., major medical costs, out-of-home care, major repairs to the home when necessary to put it into a livable condition, etc.

Interpretation -- This monthly maintenance allowance is intended to cover all normal living expenses including food, shelter, clothing, recreation, incidentals, minor medical and dental costs, etc., for the transferor and his dependents. Allowance in excess of the prescribed amount for monthly maintenance is appropriate only when the county determines that there have been necessary expenditures for bona fide needs other than normal living expenses. Probably the most common such

expenditure is for major medical costs and, in most instances, it is reasonable to consider as "major" those medical costs which exceed five percent of the allowance for monthly maintenance.

Usually, the cost of major medical care is added to the monthly maintenance allowance to determine the total amount allowable for a month. However, in some instances a substantial part of normal living expenses may be included with the medical costs. For example, a long-term patient in a nursing home is required to pay \$300 a month for his care. In such case it would be appropriate to allow the \$300 charge for nursing care in lieu of the \$200 monthly maintenance allowance plus \$15 for incidentals and the actual costs of doctors' visits, medication, etc., not provided by the nursing home.

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44 Two or More Transfers

If there are two or more transfers resulting in ineligibility and each of the transfers reduced property within the amount allowable to qualify for aid, the period of ineligibility is the sum of the periods resulting from each transfer and begins with the first day of the month following that in which the first transfer occurred.

Interpretation -- When there has been a series of property transfers, some of which did not reduce property holdings within the amount allowable but the net result of the several transfers is determined to have been for the purpose of reducing property holdings within the maximum allowable, a reasonable duration of ineligibility must be determined based on the facts in the individual case.

In most such cases, it is reasonable to treat the transfers as one transfer which was accomplished in a series of steps. The duration of ineligibility is then determined in the same manner as for a single transfer, it being considered that all the transfers in the series occurred on the date of the first transfer. Although this method of determining the duration of ineligibility is appropriate in most such cases, it may not be reasonable when large amounts of property were transferred late in the series of transfers. In such a case ineligibility should not terminate prior to the date it would terminate if any one of the transfers in the series were considered individually.

45 Period of Ineligibility Ends

The period of ineligibility ends if the property which was transferred and which caused ineligibility is reconveyed to the grantor, or if he receives reasonably adequate consideration for it subsequent to the transfer.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
Office of the Secretary of State
of the State of California

APR 23 1992

At 4:28 o'clock P. M.
MARCH FONG EU, Secretary of State
By Ann M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0416-01



MARZ GARCIA
Director

04/23/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

HDB #0791-31

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

1992 MAR 27 11:11:25

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

APR 29 1992

Office of Administrative Law
REGULATIONS

NOTICE

FILED
In the office of the Secretary of State
of the State of California

APR 29 1992

At 4:39 o'clock P. M.
MARCH FONG EU, Secretary of State
By: Ann M. Manassero
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice is Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 91, #44-2		PUBLICATION DATE 4-1-91

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT 63-002
SECTIONS AFFECTED	AMEND 63-102, 63-207, 63-300, 63-402, 63-404, 63-406, 63-407, 63-501, 63-502, 63-503, 63-504, 63-505, 63-603, 63-801, and 63-1000. REPEAL

2. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☒ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify) 6/1/92

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

JOHN D. HEALY, Interim Director

DATE

MAR 16 1992

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt new Section 63-002 to read:

63-002 IMPLEMENTATION OF REGULATIONS FOR CLEAN UP III PACKAGE

63-002

- .1 Effective on June 1, 1992 CWDs shall implement the amended and adopted provisions. The sections affected are as follows numerically: Sections 63-102 d.(5) through (7), i.(6) through (9), m.(6), p.(3), and s.(1) through (14); 63-207 et seq.; 63-300.2, .21, and .322; 63-402.131, .142(c), .15 through .17, .21, .225, and .5; 63-404.62 and .621; 63-406.11, .12, and .121; 63-407.51 and .512; 63-501.3(k)(17), 63-502.137, .2(e), .2(e)(5), .2(g)(1)(C) and (G), .2(l)(6), and .331(f); 63-503.232(c)(3) through (5), .411(e), .415(b)(1), (d) and (d)(1), .44, .441, .443, .444, .444(a) and (b), .453, .481, and .481(a) through (d); 63-504.351(a) and (b), and .372(a); 63-505.212; 63-603.13, .15 through .154(c), .41 through .414, .43, and .431 through 433; and 63-801.443(a) through (c), .84, .96, and .97.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code.

Amend Sections 63-102 d.(5) through (7), i.(6) through (9), m.(6), p.(3) and s.(1) through (14) to read:

63-102 DEFINITIONS (Continued)

63-102

d. (Continued)

(5) "Disaster" means one of two types of disasters which are:

(A) "Lesser disaster" means a disaster such as, but not limited to, a flood, fire, other catastrophe or temporary emergency that has not been declared a major disaster but is severe enough to have disrupted commercial channels of food distribution.

(B) "Major disaster" means one of the following occurrences which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby:

(i) any natural catastrophe (such as a hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm or drought); or

(ii) regardless of cause, any fire, flood, or explosion.

(6) (Continued)

(7) (Continued)

i. (Continued)

(6) "IPV" means intentional Program violation (see Section 20-300.1).

(7) (Continued)

(8) (Continued)

(9) (Continued)

m. (Continued)

(6) "Migrant Farmworker" shall means an individual who does not live at his/her home, but rather travels from place to place outside the project area in which the individual resides, to seek employment in an agriculturally related production activity. A migrant household is a household that travels for this purpose which includes a member who is a migrant farmworker during the certification period. A household residing at its primary residence shall not be defined as a migrant household for food stamp purposes. (Continued)

p. (1) through (2) (Continued)

(3) "Prescreening" means gathering information prior to filing an application to perform a preliminary review of eligibility for participation in the ~~f~~Food ~~s~~Stamp ~~p~~Program. Prescreening does not include gathering information to refer an applicant to the appropriate program or office. (Continued)

s. (1) "Seasonal Farmworker" means a nonmigrating individual who is employed seasonally in an agricultural production activity during the certification period. A seasonal farmworker household is a household where any member is a seasonal farmworker.

(~~1~~2) "Self employed farmer" means a farmer who receives or anticipates receiving annual gross proceeds of \$1000 or more from the farming enterprise.

(A) (Continued)

(3) "Self-employed fisherman" means a fisherman who receives or anticipates receiving annual gross proceeds of \$1000 or more from a fishing enterprise. The fisherman, like a farmer, must produce food and is subject to the same chances as farmers that can result in losses, such as market demands, weather conditions, and the environment. This includes fishermen who are involved in catching or harvesting fish or other types of water life.

(~~2~~4) through (~~1~~214) (Continued)

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: 8 U.S.C.A. Section 1522(e); 42 U.S.C.A. 601, et seq.; and 42 U.S.C.A. 5122; 7 CFR 271.2; 7 CFR 273.1(c)(5); 7 CFR 273.11(a)(2)(iii); 7 CFR 273.2; 7 CFR 273.16(c); 7 CFR 273.21(b); 7 CFR 274.3; 7 CFR 2710.2; 45 CFR Part 401; 45 CFR 400.62; (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990 _____ F. Supp _____ [Dock. No. CV-89-0768].), and Section 66011, Education Code.

Amend and renumber Section 63-1000 to 63-207 to read:

63-~~1000~~207 PROGRAM INFORMATIONAL ACTIVITIES

63-~~1000~~207

~~63-1001~~ DEFINITION

~~63-1001~~

- .1 CWDs shall participate in program informational activities. Program informational activities are those activities that convey information about the Food Stamp Program, including household rights and responsibilities, to applicant and recipient households through means such as publications, telephone hotlines, films, media and face-to-face contacts.

~~63-1002~~ COUNTY PROGRAM INFORMATIONAL ACTIVITIES

~~63-1002~~

- .12 The ~~county~~ CWD shall be responsible for liaison with state staff and shall order from the state warehouse the following:
- .121 Nutrition ~~informational~~ materials regarding foods containing substantial amounts of the recommended daily allowances of protein, minerals and vitamins; menus making use of these foods; and the relationship between health and diet;
- .122 Informational materials that explain the Special Supplemental Food Program for Women, Infants and Children (WIC) and the Commodity Supplemental Food Program (CSF);
- .123 Informational materials explaining household rights and responsibilities.
- .23 The ~~county~~ CWD shall display the posters and make pamphlets and fliers available at food stamp and public assistance offices.
- .34 All program informational material shall include a statement that the Food Stamp ~~Program~~ is available to all without regard to race, color, sex, age, handicap, religious creed, national origin, or political beliefs.
- .45 The ~~county~~ CWD shall notify ~~the state~~ SDSS of its needs for program informational material in languages other than English as required by Welfare & Institutions Code 18915.
- .6 The CWD shall encourage recipients to participate in the Expanded Food and Nutrition Education Program (EFNEP) and, wherever practicable, allow EFNEP personnel to come into Food Stamp offices to distribute informational materials and to speak with recipients.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 272.5.

Amend Sections 63-300.2 and .3 to read:

63-300 APPLICATION PROCESS (Continued)

63-300

.2 Application Form and Form Deviation

All applications for Food Stamp Program eligibility shall be made on uniform state application forms, the DFA 285-A1 and DFA 285-A2. For households which apply for both AFDC and Food Stamps at the same time, the joint application forms, (SAWS 1) (4/90) CA1/DFA 285-A1 and (JA 2) (4/90) CA2/DFA 285-A2, shall be used. ~~When additional space is required for signatures attesting to citizenship or alien status, the CA-84 (9/88), or a county-designed substitute shall be used with the application form.~~

.21 Applicants shall not be required to complete any CWD developed prescreening form. ~~Prescreening means gathering information to perform a preliminary review of eligibility for participation in the Food Stamp Program. Prescreening does not include gathering information to refer an applicant to the appropriate program or office.~~ (Continued)

.3 Filing, Notice of Right to File and Withdrawal (Continued)

.32 (Continued)

.322 One adult household member or authorized representative shall attest, under penalty of perjury, that all eligible members of the Food Stamp household are either U.S. citizens, national or lawful alien residents. (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 11023.5, Welfare and Institutions Code and 7 CFR 273.2(c)(5) and (j)(1), and 7 U.S.C.A. 2020(e)(2).

Amend Section 63-402.1 to read:

63-402 HOUSEHOLD CONCEPT

63-402

.1 Household definition (Continued)

.13 (Continued)

.131 Customarily purchasing and preparing meals together as a Food Stamp household is to do so usually or as a matter of course.

.14 Separate household status shall not be granted to: (Continued)

.142 (Continued)

(a) through (b) (Continued)

(c) the children are participating in the other parent's Food Stamp household.

.143 through .145 (Continued)

.15 A parent who shares joint physical custody of children on a 50/50 basis and in whose household the CWD has determined that the children are eligible to participate. The CWD shall insure that duplicate participation does not occur.

.151 When the living arrangements are such that the child lives with each parent an equal number of days per month, the CWD shall determine Food Stamp household composition based upon, but not limited to:

(a) When it can be established that the child eats more meals with one parent. The child may participate with the custodial parent providing the majority of the meals in any given month.

(b) When a child eats an equal number of meals with each parent, the first custodial parent to apply may participate with the child, unless the two custodial parents mutually agree otherwise.

(c) When custodial parents mutually agree with whom the child will participate. The child may participate with that parent regardless of where the majority of meals are taken in any given month.

.156 (Continued)

.157 (Continued)

Amend Sections 63-402.21 and .225 to read:

63-402 HOUSEHOLD CONCEPT (Continued)

63-402

.2 (Continued)

.21 Nonhousehold Members

For purposes of defining a household, the following individuals shall not be included as a member of the household, unless ~~specifically~~ included as a household member ~~under~~ as specified in Sections 63-402.13, .14 or .15. ~~If not included as a member of the household under Section 63-402.13/~~ Such individuals shall not be included as a member of the household for the purpose of determining household size, eligibility or benefits level. (Continued)

.22 (Continued)

.221 through .224 (Continued)

.225 SSI/SSP Recipients (Continued)

Amend Section 63-402.5 to read:

63-402 HOUSEHOLD CONCEPT (Continued)

63-402

.5 Head of Household

The CWD shall permit the household to designate a responsible household member to serve as head of household. Except as specified in Section 63-407.512, ~~the~~ the head of household classification shall not be used to impose special requirements on the household, such as requiring that the head of household, rather than another responsible member of the household, appear at the certification office to make application for benefits.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.1(a)(1) through (b)(1), 7 CFR 273.1(a)(2)(i)(B) and (C), 7 CFR 273.1(b)(1)(iii), 7 CFR 273.1(b)(2)(iii), 7 CFR 273.1(c), 7 CFR 273.1(e)(1), 7 CFR 273.1(d)(1) and (2), 7 CFR 273.1(g), 7 CFR 273.10(c)(1)(i), 7 CFR 274.5 and 7 CFR 274.10, USDA Administrative Notice 89/65, Policy Memo 89-11 and 89-12, and Sections 10554 and 18904, Welfare and Institutions Code.

Amend Section 63-404.6 to read:

63-404 SOCIAL SECURITY NUMBERS (Continued)

63-404

.6 Verification

- .61 The SSNs reported by the household shall be verified by SSA through IEVS.
- .62 The application for a~~n~~ SSN shall be verified by obtaining the SDSS approved documentation of application from SSA.
 - .621 SDSS' approved documentation includes, but is not limited to, the MC-194, ~~of~~ the SSA- 5028 or the hospital issued SSA-2853-OP4.
(Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.10(b), 7 CFR 273.6, and Sections 10554 and 18904, Welfare and Institutions Code.

Amend Section 63-406.1 to read:

63-406 STUDENTS

63-406

.1 Applicability.

- .11 Any person who is age eighteen through fifty-nine; physically and mentally fit for employment; and enrolled at least half time, as defined by the institution, in an institution of higher education (as defined in Section 63-102(i)), shall be ineligible to participate in the Food Stamp Program unless that person complies with the eligibility requirements as specified in ~~of~~ Section 63-406.2.
- .12 Student eligibility requirements shall not apply to persons age 17 or under, persons age 60 or over, or persons physically or mentally unfit for employment, persons attending high school, persons enrolled exclusively in noncredit college courses, such as but not limited to, English as a Second Language (ESL) and General Education Diploma (GED) courses, persons participating in on-the-job training programs, persons enrolled in an institution of higher education less than half time, or to persons enrolled full time in schools and training programs which are not institutions of higher education.
- .121 If mental or physical unfitness for employment is claimed and the unfitness is not evident to the CWD, verification shall be required. (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.10(b), 7 CFR 273.5, and Sections 10554 and 18904, Welfare and Institutions Code.

Amend Section 63-407.5 to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

.5 Failure to Comply

.51 For purposes of determining the consequences of a registrant's failure to comply with the work registration requirements ~~of~~ as specified in Section 63-407 and the voluntary quit provisions ~~of~~ as specified in Section 63-408, the CWD shall determine the principal work registrant. The principal work registrant is the household member (including excluded members) who has the greatest source of earned income in the two months prior to the month of violation.

.511 (Continued)

.512 If no household member has the greatest source of earned income/ the household member documented in the casefile as the head of household, at the time of the violation, shall ~~designate~~ be considered the principal work registrant. (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.1(d)(2) and 7 CFR 273.7.

Amend Section 63-501.3(k) to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.3 Exclusions From Resources (Continued)

- (k) Resources which are excluded for food stamp purposes by federal statute. The following is a listing of some of the resources excluded by federal statute:

(1) through (16) (Continued)

- (17) Federal major disaster and emergency assistance provided to individuals and families under the Disaster Relief Act of 1974 (as amended by Public Law 100-707), and comparable disaster assistance provided by states, local governments, and disaster assistance organizations as a result of a major disaster.

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 272.8(e)(17); Public Law 101-201, P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); 42 U.S.C.A. 5122 as amended by P.L. 100-707, Section 105(i) and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

Amend Sections 63-502.13, .2 and .331(f) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued)

63-502

.1 Income Definition (Continued)

.13 Earned income shall include:

.131 through .136 (Continued)

.137 College work study income after allowable exclusions are applied as specified in Section 63-502.2(e). (Continued)

.2 Income Exclusions. Only the following items shall be excluded from household income:

(a) through (d) (Continued)

(e) Regardless of their source, educational loans on which payment is deferred, grants, scholarships, college work study, fellowships, veterans' educational benefits, and the like to the extent that they are used for tuition and mandatory school fees at an institution of post-secondary education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(1) through (4) (Continued)

(5) Portions of financial assistance (payments, loans, reimbursements, college work study or allowances) funded in whole or in part under Title IV of the Higher Education Act of 1965 (as amended by Public Law 99-498), and/or under the Bureau of Indian Affairs (BIA) Student Assistance Programs (pursuant to Public Law 100-50), provided to students attending an institution of post-secondary education as defined in Section 63-502.2(e)(1) on at least a half-time basis, shall be excludable. (Continued)

(f) (Continued)

(g) (Continued)

(1) Excludable reimbursements which are not considered to be a gain or benefit to the household include, but are not limited to the following:

(A) through (B) (Continued)

(C) Medical, as specified in Section 63-502.331, or dependent care reimbursements except as specified in Section 63-502.2(e).

(D) through (G) (Continued)

(H) Reimbursements received by households for participation in the GAIN Program. (Continued)

(h) through (k) (Continued)

- (1) Any income that is specifically excluded by any other federal statute from consideration as income for the purpose of determining eligibility for the Food Stamp Program. The following is a listing of some of the types of income excluded by federal statute:

(1) through (5) (Continued)

- (6) Federal major disaster and emergency assistance provided to individuals and families under the Disaster Relief Act of 1974 (as amended by Public Law 100-707), and comparable disaster assistance provided by states, local governments, and disaster assistance organizations as a result of a major disaster. (Continued)

.3 (Continued)

.33 (Continued)

.331 (Continued)

- (f) The cost of securing and maintaining any service animal such as, but not limited to, seeing eye, hearing or service
guard dog for the disabled dogs, and the cost of dog
related food and veterinarian bills; (Continued)

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code; Public Law 101-201; P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 100-77; ~~and~~ 7 CFR 271.2; 7 CFR 273.7(f); 7 CFR 273.9; 7 CFR 273.9(b)(1) and (c) and (c)(3); 7 CFR 273.9(c)(5); 7 CFR 273.9(c)(5)(i)(A); 7 CFR 273.9(c)(5)(i)(C); 7 CFR 273.9(c)(10); 7 CFR 273.9(d)(3)(vii); 7 CFR 273.9(c)(1)(iv)(B); 7 CFR 273.9(c)(5)(i)(F); 7 CFR 273.9(d)(1) through (6); 7 CFR 273.11(d)(1); and (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal Feb. 1, 1990) _____ F. Supp. _____ [Dock. No. CV-89-0768]); P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); U.S.D.A. Food and Nutrition Service Administrative Notice 91-30; and Waiver Letter WFS-100: FS-10-6-CA, dated October 2, 1990, United States Department of Agriculture, Food and Nutrition Service.

Amend Sections 63-503.232 through 63-503.48 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS (Continued) 63-503

.2 Determining Resources, Income and Deductions (Continued)

.23 (Continued)

.232 Retrospective Budgeting

The CWD shall use the following income to retrospectively budget the household's level of benefits.

(a) through (b) (Continued)

(c) Income Only in the Month Received

When determining the household's level of benefits for the issuance month, the CWD shall count as income only that amount actually received by the household in the budget month, except as provided below:

(1) (Continued)

(2) (Continued)

(3) A GA/GR payment, covering a period which begins in the current month and ends in a future month, received in the current month is counted as income in the current month.

HANDBOOK BEGINS HERE

(A) For example, a GA/GR payment received in June which is intended to cover the last two weeks in June and the first two weeks in July is counted as income for June.

HANDBOOK ENDS HERE

(~~3~~4) (Continued)

(~~4~~5) (Continued)

.41 Households with Self-Employment Income (Continued)

.411 Monthly Reporting Households with Self-Employment Income

(a) through (d) (Continued)

- (e) If income is from a household member's self-employment in a farming or fishing operation and irregular expenses are incurred to produce that income, the household shall have the option to average the expenses and related income over a 12-month period.

.412 through .414 (Continued)

.415 Determining Monthly Income from Self-Employment (Continued)

(a) (Continued)

- (b) For the period of time over which self employment income is averaged, the CWD shall add gross self-employment income (including capital gains), exclude the cost of producing the self-employment income, and divide the self-employment income by the number of months over which the income will be averaged.

- (1) For self-employed farmers or fishermen, as defined in Section 63-102s, losses shall be prorated in the same manner used to prorate the ~~farm~~ self-employment income.

(c) (Continued)

- (d) For self-employed farmers or fishermen, as defined in Section 63-102s, if the cost of producing the self-employment income exceeds the income derived from self-employment as a farmer or fisherman, such losses shall be offset against any other countable income in the household.

HANDBOOK BEGINS HERE

- (1) The following is an example of how the farming or fishing offset should be applied in determining the monthly net self-employment income to be used for both the gross and net income eligibility tests and benefit computations: (Continued)

HANDBOOK ENDS HERE

.42 through .43 (Continued)

.44 Treatment of Income and Resources of Excluded Members

The income and resources of excluded household members/ shall be handled in accordance with Sections 63-303/441/ 442/ and 443/

.441 Household Members Excluded for Intentional Program Violation IPV Disqualification or Workfare or Work Requirement Sanction

During the period of time that a household member ~~cannot~~ is ineligible to participate because of disqualification for Intentional Program Violation IPV, noncompliance with work requirements as specified in Section 63-407.4 or imposition of a sanction while ~~the member was residing in a Workfare Program project area and~~ participating as a member of a household disqualified for failure to comply with ~~the~~ workfare requirements, the eligibility and benefit level of any remaining household members shall be determined as follows:

(a) through (b) (Continued)

.442 (Continued)

.443 Household Members Excluded for SSI/SSP Recipient or Ineligible Student Status ~~or Noncompliance with Work Requirements~~

The eligibility and monthly allotment of any remaining household members of a household containing individuals excluded for being an SSI/SSP recipient/ or ineligible student ~~or for noncompliance with the work requirements of Section 63-407.4,~~ shall be determined in accordance with the requirements for nonhousehold members as specified in Section 63-503.45.

.444 Reduction or Termination of Benefits Within the Certification Period

Whenever an individual is excluded within the household's certification period, the CWD shall determine the eligibility or ineligibility of the remaining household members. The CWD also shall take the following action:

- (a) When a household member is excluded for Intentional Program Violation, an IPV Disqualification, if a and the household's allotment is subsequently reduced or terminated within the certification period because one of its members was excluded because of disqualification for Intentional Program Violation, the CWD shall notify the remaining members of their eligibility and monthly allotment at the same time the excluded member is notified of his or her disqualification. The household is not entitled to a timely notice but may request a state hearing to contest the reduction or termination of benefits, unless the household has already had a state hearing on the amount of the claim as a result of consolidation of the administrative disqualification hearing with the state hearing.

- (b) When a household member is excluded for Workfare or work requirement sanction, SSN disqualification, or ineligible Alien Status, if a and the household's allotment is subsequently reduced or terminated within the certification period because one or more of its members is an ineligible alien or was sanctioned while they were participating as a household member in a Workfare program project area and the household was disqualified for failure to comply with the Workfare program requirements or was disqualified for refusal or for failure without good cause to obtain or provide an SSN/ the CWD shall issue a notice of change (DFA 377.47) in accordance with as specified in Section 63-504.267 (d) and, as appropriate, a DFA 377.10 (Rev. 7/89) as specified in Section 63-407.56. The notice which shall inform the household of the exclusion, the reason for the exclusion, the eligibility and monthly allotment of the remaining members and the actions the household must take to end the disqualification.

.45 Nonhousehold Members (Continued)

.451 through .452 (Continued)

.....453--Eligibility and Benefit Level

Nonhousehold members, excluded SSI/SSP recipients and ineligible students shall not be included when determining the household's size for the purposes of:

(a) through (d) (Continued)

.46 through .47 (Continued)

.48 Residents of group living arrangement who receive benefits under Title II of the Social Security Act.

- .481 Disabled or blind residents of a group living arrangement as defined in Section 63-102(f)(g), who receive benefits under Title II of the Social Security Act may voluntarily apply for the Food Stamp Program. If these residents apply through the use of the facility's authorized representative their eligibility shall be determined as one-person households. If the residents apply on their own behalf, the household size composition shall be in accordance with determined as specified in Section 63-402.1. The CWD shall certify these residents using the same provisions that apply to all other households.

- (a) Prior to certifying any residents for food stamps, the CWD shall verify that the group living arrangement is authorized by FNS as a retail food store, as defined in Section 63-102(g)(r), or is licensed by the Department of Social Services SDSS as a group home, and is either a public or private, nonprofit residential setting.

(b) In addition/ as specified in Section 63402.2/ Any Title XVI (SSI/SSP) recipients residing in group living arrangements are ineligible for food stamps/ ~~Therefore/~~ ~~this ineligibility shall apply to Title XVI (SSI)~~ recipients residing in group living arrangements.

(dc) (Continued)

(dd) (Continued)

.482 through .486 (Continued)

.49 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2, 7 CFR 272.3(c)(1)(ii), 7 CFR 273.1(b)(2)(iii), 7 CFR 273.10(c)(2)(iii), 7 CFR 273.11(a)(2)(i), 7 CFR 273.11(c), (c)(1), 7 CFR 273.11(c)(2)(iii), (c)(3)(ii), and (d)(1), 7 CFR 273.11(e)(1); ~~and~~ (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) _____ F. Supp. _____ [Dock. No. CV-89-0768]); Waiver Letter WFS-100: FS-10-6-CA, dated October 2, 1990, United States Department of Agriculture, Food and Nutrition Service.

Amend Sections 63-504.35 through 504.37 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY (Continued)

63-504

.35 Action on Reported Information (Continued)

.351 The CWD shall take prompt action on all changes to determine if the reported information affects the household's eligibility and/or benefit level.

(a) If the reported change results in the household becoming ineligible, the CWD shall terminate the household effective the next issuance month as specified in accordance with Section 63-504.36 unless the household is suspended, as specified in accordance with Sections 63-504.371 or .372.

(b) Excess resources shall not be counted if they are reduced to the resource limit in the month received.

.352 through .357 (Continued)

.36 Termination (Continued)

.37 Suspension

.371 (Continued)

.372 (Continued)

(a) Excess resources shall not be counted if they are reduced to the resource limit in the month received.

(b) (Continued)

.373 through .376 (Continued)

Authority Cited: Sections 10554, 11265.1, and 18904, Welfare and Institutions Code.

Reference: - 7 CFR 271.2, 7 CFR 273.8(b), 7 CFR 273.21(h)(3)(ii), 7 CFR 273.21(j), 7 CFR 273.21(j)(1)(vi), and 7 CFR 274.10.

Amend Section 63-505.212 to read:

63-505 HOUSEHOLD RESPONSIBILITIES (Continued)

63-505

.2 Monthly Reporting/Retrospective Budgeting Households (Continued)

.21 (Continued)

.211 (Continued)

.212 Seasonal farmworker households, as defined in Section 63-102 s.
(Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.11(a)(2)(iii), 7 CFR 273.12, 7 CFR 273.2(d), and 7 CFR 273.21(b).

Renumber Sections 63-603.422 and .423 to Sections 63-603.413 and .414, respectively. Amend Sections 63-603.13, .15, .21 and .4 to read:

63-603 REPLACEMENT ISSUANCES (Continued)

63-603

.1 Providing Replacement Issuances (Continued)

.13 Countable Replacements

A replacement issuance or authorization is considered countable if it results in ~~duplicate benefits being issued~~ or a loss to the Food Stamp Program, except as specified in Section 63-603.145. (Continued)

.15 Household Reporting Responsibilities

The following allowable replacement issuances or authorizations shall be provided only if a household timely reports a loss orally or in writing and provides an affidavit as specified in Section 63-603.3. In the following systems replacement requests shall be considered timely/ if:

.151 All Issuance Systems

Replacement requests if is made to the CWD within 10 days of the loss/ or for destroyed coupons or destroyed food purchased with coupons.

.152 Direct Mail Issuance System

In a mail authorization document or coupon/ or a direct access issuance system/ it is Replacement requests made to the CWD within the validity period of the initial original issuance or authorization for coupons stolen from or not received in the mail or for partial allotments.

.153 Authorization Document System

(a) Replacement requests made to the CWD within 10 days of the loss for stolen or destroyed authorization documents.

(b) Replacement requests made to the CWD within the validity period of the original issuance for authorization documents stolen from or not received in the mail.

.154 Direct Access Issuance System

(a) Replacement requests made to the CWD within the validity period of the original authorization when an access device is reported as stolen from or not received in the mail.

(c) CWD responsibilities regarding the replacement of access devices are as specified in Section 63-603.43.

2.2 (continued)

3. (continued)

4.4 CWD Responsibilities

41. Processing Time and Funds Requirements

411 CWDs shall provide replacement issuances or authorizations, as appropriate, or send a DFA 377.4 (Rev. 12/83) denying or delaying the replacement to households within 10 days after the report of nondelivery or loss (15 days if the issuance was made by certified or registered mail) or within two (2) working days of receiving the signed affidavit, whichever date is later.

412. CWDS shall delay the replacement of mutilated coupons ~~shall~~ until a determination of the value of the coupons can be made as specified in Section 63-603.63.

4.72213 CWDs shall deny or delay replacement issuances or authorizations when: (Continued)

42314 The DPA 377.4 (Rev. 12/83) shall be informed the household of its right to a state hearing to contest the denial or delay of a replacement issuance or authorization. Replacements shall not be made while the denial or delay is being appealed.

.42 Subsequent Replacements (continued)

43. Replacement of Access Devices in an Automated Direct Access Issuance System

in an automated direct access ISSUANCE system which uses an access device, the CWD shall replace an eligible household's access device when it is lost, stolen, destroyed, improperly manufactured or mutilated.

[illegible]

4321 (continued)

.4372 (Continued)

.4343 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.3 and 7 CFR 274.6.

Amend Sections 63-801.443, .84 and .9 to read:

63-801 CLAIMS AGAINST HOUSEHOLDS (Continued)

63-801

.44 Action Against Households and Sponsors of Alien Households ~~Which Who~~ Fail to Respond (Continued)

.443 Other Collection Methods

(a) The CWD shall pursue other collection actions, as appropriate, to obtain restitution of a claim against any household or sponsor who fails to respond to a written demand letter for repayment of any IPV claim, unless the CWD can determine that such other actions are generally not cost effective.

(b) The CWD may also pursue other collection actions, as appropriate, to obtain restitution of a claim against any household or sponsor ~~which who fails~~ to respond to a written demand letter for repayment of any inadvertent household error, or administrative error ~~of intentional~~ ~~Program Violation~~ claim.

(c) If the CWD chooses to pursue other collection actions and the household pays the claim, payments shall be submitted to SDSS ~~in accordance with the procedures outlined as~~ specified in Section 63-801.8. The CWD's retention of claim collections shall be based on the actual amount collected from the household through such collection actions excluding collection costs. (Continued)

.8 Submission of Payments (Continued)

.84 If a household has overpaid a claim, the CWD shall pay the household any amounts overpaid as soon as administratively possible, but not later than 10 days after the overpayment becomes known. The household shall be paid ~~in cash for overpayments~~ by cash or coupons as the CWD deems appropriate considering the household's circumstances.
(Continued)

.9 Accounting Procedures (Continued)

.96 Document how much money was collected in payment of a claim and how much was submitted to SDSS through an adjustment of the CWD's advance. ~~See Section 63-702 on CWD liability for claim collection losses!~~

.97 Identify, at certification, households that owe outstanding payments on a previously established claim determination. The initial allotment shall not be reduced to offset claims. Actions on identified claims shall be as specified in Section 63-801.4.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2, 7 CFR 273.18(a)(1)(ii), (a)(2), (c)(1)(ii), 7 CFR 273.18(d)(4)(iii), and 7 CFR 273.18(e)(1), 7 CFR 273.18(h)(4), and 7 CFR 273.18(k)(5).

OFFICE OF ADMINISTRATIVE LAW

FILED
In the office of the Secretary of State
of the State of California

CERTIFICATION

OF

APPROVAL

APR 29 1992

At 4:39 o'clock P. M.
MARCH FONG EU, Secretary of State
By Ann M. Mauressero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0320-01

Marz Garcia

MARZ GARCIA
Director

04/29/92

NOTICE PUBLICATION REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

STATE DEPARTMENT OF SOCIAL SERVICES

AGENCY FILE NUMBER (if any)

RDB#0392-07

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

1992 MAR 19 AM 10:32

OFFICE OF
ADMINISTRATIVE LAW
APPROVED FOR FILING

APR 30 1992

Office of Administrative Law

NOTICE

REGULATIONS

FILED

In the Office of the Secretary of State
of the State of California

APR 30 1992

At 4:20 o'clock P.M.

MARCH FONG EU, Secretary of State

By Ann M. Marasero
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT
MPP	
SECTIONS AFFECTED	AMEND 11-400r. (2) (A) REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☒ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify) _____

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

TELEPHONE NUMBER

Jim Rhoads, Asst. Chief, Regulations Development Bureau

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

JOHN D. HEALY, INTERIM DIRECTOR

3/17/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for reoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 11-400r.(2)(A) to read:

11-400

11-400 AFDC-FOSTER CARE RATES (Continued)

(7) Program Change - Any alteration to an existing program planned by a provider to a group home that may affect, in any way, the RCL, the AFDC-FC rate, or the type of children in placement.

(8) Program Classification - The computed RCL.

(9) Provider - A licensee of one or more group homes.

q. (Reserved)

r. (1) Rate Classification Level (RCL) - The rate category for a program whose calculated points fall into a specified point range.

(2) Residential Child Care Experience - Prior experience in providing direct child care worker duties to children residing in out-of-home care, including first-line supervision of child care workers.

(A) Qualifying experience shall include ~~any~~ ^{but not} direct child care or direct supervision of child care workers at the group home program for which a rate is being requested and prior employment experience with direct responsibility caring for children or directly supervising child care workers in other group homes, county receiving home/shelters, youth authority camps and facilities, county juvenile halls and camps, juvenile detention facilities, public and/or private mental health day treatment programs, or as a licensed or certified foster parent.

(B) Qualifying experience shall include child care worker duties in nonresidential settings such as a teacher of specialized education, a juvenile probation officer, or a child protective services worker.

(C) Qualifying experience shall include experience in child day care, residential adult drug and alcohol treatment programs, or mental health treatment programs when stated in the program statement that the specified population of children to be served by the program requires this experience.

s. (1) Set Rate - the per child/per month rate set by the Department for an AFDC-FC group home program or foster family agency pursuant to Section 11460, et seq. of the Welfare and Institutions Code.

t. through z. (Continued)

NOTE: Authority cited: Sections 10553, 10554, 11462(j), and 11466.1, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23. Reference: Sections 10852, 11226, 11228, 11230, 11231, 11232, 11233, 11234, 11235, 11236, 11460, 11462, 11466.1, 11466.2, 11466.3, 11468, and 18350, Welfare and Institutions Code, The Classification of Group Home Program Under the Standardized Schedule of Rate System Report, August 30, 1989, and Title 8, California Code of Regulations, Section 11050, Industrial Welfare Commission Order 5-89.

OFFICE OF ADMINISTRATIVE LAW

FILED
In the Office of the Secretary of State
of the State of California

CERTIFICATION

OF

APR 30 1992

APPROVAL

At 4:20 o'clock P. M.
MARSH FONG EU, Secretary of State
B. Ann M. Mancera
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0319-02

Marz Garcia

MARZ GARCIA
Director

04/30/92
